E/1991/22
E/CN.4/1991/91

COMMISSION ON HUMAN RIGHTS

REPORT ON THE FORTY-SEVENTH SESSION

(28 January–8 March 1991)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1991

SUPPLEMENT No. 2

UNITED NATIONS

E/1991/22
E/CN.4/1991/91

COMMISSION ON HUMAN RIGHTS

REPORT ON THE FORTY-SEVENTH SESSION

(28 January-8 March 1991)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1991

SUPPLEMENT No. 2

UNITED NATIONS

New York, 1991

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

An asterisk after the name of a State indicates a State not member of the Commission, which may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Annexes I to IV to the present report have been issued separately as *Official Records of the Economic and Social Council, 1991, Supplement No. 2A* (E/1991/22/Add.1-E/CN.4/1991/91/Add.1).

E/1991/22
E/CN.4/1991/91

ISSN 0251-9623

CONTENTS

Chapter — Page

I. Draft resolutions and decisions recommended for adoption by the Economic and Social Council 1

A. Draft resolutions

I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa 1

II. Question of enforced or involuntary disappearances 2

III. Right to a fair trial 3

IV. Question of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care 4

V. Rights of persons belonging to national, ethnic, religious and linguistic minorities 4

VI. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms 5

VII. Strengthening of the independence of the expert members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 5

B. Draft decisions

1. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination 6

2. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 6

CONTENTS (continued)

Chapter Page

I. B. Draft decisions (continued)

3. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights 6
4. Respect for the right of everyone to own property alone as well as in association with others 6
5. Situation of human rights in South Africa 7
6. Internally displaced persons 7
7. World Conference on Human Rights 7
8. Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur 7
9. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers 8
10. Question of enforced or involuntary disappearances 8
11. Question of arbitrary detention 8
12. Human rights and the environment 9
13. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 9
14. Assistance to Guatemala in the field of human rights 9
15. Report of the Special Rapporteur on the sale of children, child prostitution and child pornography 9

CONTENTS (continued)

Chapter Page

I. B. Draft decisions (continued)

16. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 9

17. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 10

18. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities 10

19. Situation of human rights in Kuwait under Iraqi occupation 10

20. Situation of human rights in Cuba 11

21. Situation of human rights in Romania 11

22. Cooperation with representatives of United Nations human rights bodies 11

23. Summary or arbitrary executions 11

24. Situation of human rights in Iraq 12

25. Situation of human rights in El Salvador 12

26. Situation of human rights in Haiti 12

27. Situation of human rights in Afghanistan 12

28. Situation in Equatorial Guinea 13

29. Situation of human rights in the Islamic Republic of Iran 13

30. Question of human rights and states of emergency 13

31. Organization of the work of the forty-eighth session of the Commission on Human Rights 14

CONTENTS (continued)

Chapter Page

II. Resolutions and decisions adopted by the Commission at its forty-seventh session 15

A. Resolutions

1991/1. Question of the violation of human rights in the occupied Arab territories, including Palestine 15

Resolution A 15

Resolution B 17

1991/2. Human rights in the occupied Syrian Arab territory 18

1991/3. Israeli settlements in the occupied Arab territories 21

1991/4. Situation in Afghanistan 21

1991/5. Question of Western Sahara 23

1991/6. Situation in occupied Palestine 26

1991/7. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination 28

1991/8. Detention, torture and other inhuman treatment of children in South Africa 29

1991/9. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa 31

1991/10. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 32

1991/11. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 35

CONTENTS (continued)

Chapter | Page

II. A. Resolutions (continued)

1991/12. Popular participation in its various forms as an important factor in development and in the full realization of all human rights .. 38

1991/13. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development 39

1991/14. Human rights and extreme poverty 42

1991/15. The right to development 44

1991/16. Status of the International Covenants on Human Rights 45

1991/17. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime in South Africa 47

1991/18. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights 51

1991/19. Respect for the right of everyone to own property alone as well as in association with others 55

1991/20. Effective functioning of bodies established pursuant to United Nations human rights instruments 56

1991/21. Situation of human rights in South Africa 60

1991/22. Coordinating role of the Centre for Human Rights 64

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1991/23. Developments relating to the activities of the Centre for Human Rights 65

1991/24. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights 66

1991/25. Internally displaced persons 69

1991/26. International cooperation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms 70

1991/27. National institutions for the promotion and protection of human rights 73

1991/28. Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region 75

1991/29. Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers 77

1991/30. World Conference on Human Rights 78

1991/31. Human rights and thematic procedures 82

1991/32. Right to freedom of opinion and expression ... 84

1991/33. Status of special rapporteurs and representatives, independent experts, members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and members of working groups established by the Commission on Human Rights 86

1991/34. Human rights in the administration of justice 87

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1991/35. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 90

1991/36. United Nations Voluntary Fund for Victims of Torture 92

1991/37. Staff members of the United Nations and of the specialized agencies in detention 93

1991/38. Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur 96

1991/39. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers 99

1991/40. Hostage-taking 101

1991/41. Question of enforced or involuntary disappearances 102

1991/42. Question of arbitrary detention 105

1991/43. Right to a fair trial 107

1991/44. Human rights and the environment 108

1991/45. Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms 110

1991/46. Question of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care . 111

1991/47. Movement and dumping of toxic and dangerous products and wastes 112

1991/48. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 113

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1991/49. Voluntary Fund for Technical Cooperation in the Field of Human Rights 117

1991/50. Advisory services in the field of human rights 119

1991/51. Assistance to Guatemala in the field of human rights 122

1991/52. Implementation of the Convention on the Rights of the Child 125

1991/53. Report of the Special Rapporteur on the sale of children, child prostitution and child pornography 127

1991/54. Sale of children, child prostitution, child pornography and the exploitation of child labour 128

1991/55. Programme of action for the elimination of the exploitation of child labour 130

1991/56. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 137

1991/57. International Year for the World's Indigenous People 141

1991/58. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 142

1991/59. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 145

1991/60. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 147

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1991/61. Rights of persons belonging to national, ethnic, religious and linguistic minorities ... 148

1991/62. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities 149

1991/63. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms 150

1991/64. The role of youth in the promotion and protection of human rights 151

1991/65. Conscientious objection to military service ... 152

1991/66. Situation of human rights in southern Lebanon . 153

1991/67. Situation of human rights in Kuwait under Iraqi occupation 154

1991/68. Situation of human rights in Cuba 156

1991/69. Situation of human rights in Romania 157

1991/70. Cooperation with representatives of United Nations human rights bodies 159

1991/71. Summary or arbitrary executions 160

1991/72. Responsibility for the violations of human rights and fundamental freedoms 162

1991/73. Human rights and mass exoduses 164

1991/74. Situation of human rights in Iraq 167

1991/75. Situation of human rights in El Salvador 168

1991/76. Situation of human rights in Albania 172

1991/77. Situation of human rights in Haiti 173

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1991/78. Situation of human rights in Afghanistan 175

1991/79. Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity 178

1991/80. Situation in Equatorial Guinea 180

1991/81. Strengthening of the independence of the expert members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities ... 182

1991/82. Situation of human rights in the Islamic Republic of Iran 183

B. Decisions

1991/101. Organization of work: situation of human rights in occupied Kuwait 185

1991/102. Organization of work: invitations 185

1991/103. Organization of work: status of the Convention on the Rights of the Child 186

1991/104. Situation in Cambodia 186

1991/105. Organization of work: situation of human rights in Guatemala 187

1991/106. Question of human rights in Cyprus 187

1991/107. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment .. 187

1991/108. Question of human rights and states of emergency 188

1991/109. Guidelines for a revised provisional agenda for the forty-ninth session 188

1991/110. Organization of the work of the forty-eighth session 190

CONTENTS (continued)

Chapter		Paragraphs	Page
III.	Organization of the session	1 - 68	191
	A. Opening and duration of the session	1 - 2	191
	B. Attendance	3	191
	C. Election of officers	4	191
	D. Agenda	5 - 15	191
	E. Organization of work	16 - 41	192
	F. Meetings, resolutions and documentation	42 - 45	196
	G. Visits	46 - 65	196
	H. Other matters	66 - 68	199
IV.	Question of the violation of human rights in the occupied Arab territories, including Palestine ..	69 - 93	201
V.	Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts ...	94 - 111	205
VI.	The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa ...	112 - 127	207
VII.	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development; (b) Popular participation in its various forms as an important factor in development and in the full realization of all human rights	128 - 167	209

CONTENTS (continued)

Chapter Paragraphs Page

VIII. Question of the realization of the right to development .... 168 - 180 214

IX. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation .... 181 - 208 216

X. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: .... 209 - 293 220

- A. Torture and other cruel, inhuman or degrading treatment or punishment .... 256 - 270 225
- B. Status of the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment .... 271 - 281 227
- C. Question of enforced or involuntary disappearances .... 282 - 293 228

XI. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission: (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; (b) National institutions for the promotion and protection of human rights; (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights .... 294 - 358 230

XII. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including: .... 359 - 492 242

- A. Question of human rights in Cyprus .... 467 - 474 263
- B. Situation of human rights in occupied Kuwait .... 475 - 489 264

CONTENTS (continued)

Chapter		Paragraphs	Page
XII.	C. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on situations established by the Commission at its forty-sixth session	490 - 492	268
XIII.	Measures to improve the situation and ensure the human rights and dignity of all migrant workers	493 - 502	270
XIV.	Human rights and scientific and technological developments	503 - 531	271
XV.	Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid	532 - 543	275
XVI.	Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination	544 - 555	277
XVII.	Status of the International Covenants on Human Rights	556 - 565	279
XVIII.	Effective functioning of bodies established pursuant to United Nations human rights instruments	566 - 578	281
XIX.	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session	579 - 622	283
XX.	Rights of persons belonging to national, ethnic, religious and linguistic minorities	623 - 638	292
XXI.	Advisory services in the field of human rights	639 - 667	294
XXII.	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	668 - 680	299

CONTENTS (continued)

Chapter		Paragraphs	Page
XXIII.	Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	681 - 692	301
XXIV.	Rights of the child including: (a) Status of the Convention on the Rights of the Child; (b) Report of the Special Rapporteur on the sale of children; (c) Programme of action for the elimination of the exploitation of child labour; (d) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography	693 - 722	303
XXV.	The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service	723 - 735	308
XXVI.	Draft provisional agenda for the forty-eighth session of the Commission	736 - 739	310
XXVII.	Adoption of the report	740	319

Annexes

I.	Attendance	See document E/1991/22/Add.1-E/CN.4/1991/91/Add.1
II.	Agenda	
III.	Administrative and programme budget implications of resolutions and decisions adopted by the Commission at its forty-seventh session	
IV.	List of documents issued for the forty-seventh session of the Commission	

I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1990/13 and Add.1);

2. Expresses its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Welcomes with satisfaction Commission on Human Rights resolution 1990/22 of 27 February 1990, in which the Commission invited the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist and colonialist régime of South Africa, giving such details regarding enterprises listed as he may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Economic and Social Council, to the General Assembly at its forty-fifth session,

(b) To use all available material from other United Nations organs, Member States, national liberation movements recognized by the Organization of African Unity, specialized agencies and other intergovernmental and non-governmental organizations, as well as other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa,

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations, the Centre against Apartheid of the Secretariat and the United Nations Council for Namibia, with a view to consolidating mutual cooperation in updating the report;

4. Calls upon all Governments:

(a) To cooperate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. *Also calls upon* all Governments and organizations to maintain sanctions against the racist régime of South Africa until the total dismantlement of the apartheid system, in conformity with the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly on 14 December 1989 in its resolution S-16/1;

6. *Invites* the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session and the Commission on Human Rights at its forty-seventh session to consider the revised report;

7. *Requests* the Secretary-General, in accordance with General Assembly resolution 43/92 of 8 December 1988, to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;

8. *Requests* the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid of the Secretariat and to consolidating mutual cooperation in updating his report;

9. *Requests* the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa, and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

10. *Requests* the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a visit to South Africa on special mission within the perspective of the next update of his report;

11. *Invites* the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication.

[See chap. II, sect. A, resolution 1991/9, and chap. VI.]

II. *Question of enforced or involuntary disappearances*

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1991/41 of 5 March 1991,

1. *Authorizes* an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the forty-eighth session of

the Commission to consider the draft Declaration on the protection of all persons from enforced or involuntary disappearance, submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/32, annex), with a view to its adoption by the Commission at its forty-eighth session;

2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to the forty-eighth session of the Commission.

[See chap. II, sect. A, resolution 1991/41, and chap. X.]

III. Right to a fair trial

The Economic and Social Council,

Recalling Commission on Human Rights decision 1990/108 of 7 March 1990 in which the Commission welcomed the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial, and Commission resolution 1991/43 of 5 March 1991,

Recalling also General Assembly resolution 41/120 of 4 December 1986 regarding the setting of international standards in the field of human rights,

Taking into account the brief report on the right to a fair trial prepared by Mr. Chernichenko and Mr. Treat (E/CN.4/Sub.2/1990/34),

1. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/18 of 30 August 1990, by which the Sub-Commission decided to entrust Mr. Stanislav Chernichenko and Mr. William Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening" and Commission on Human Rights resolution 1991/43;

2. Requests the Secretary-General to provide the two Special Rapporteurs with all the necessary assistance to carry out the above-mentioned study;

3. Requests the two Special Rapporteurs to draft a questionnaire on the right to a fair trial;

4. Requests the Secretary-General to transmit the questionnaire with the brief report to Governments, the specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council for their response and comments, and to transmit the responses to the Special Rapporteurs for consideration in connection with their study;

5. Requests the Special Rapporteurs to produce a preliminary report based upon their study, the responses to the questionnaire and ways to formulate the basic guarantees necessary for a fair trial into an international standard like a model code, and to submit it to the Sub-Commission for consideration at its forty-third session and to the Commission on Human Rights at its forty-eighth session for comments.

[See chap. II, sect. A, resolution 1991/43, and chap. X.]

IV. Question of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care

The Economic and Social Council,

Recalling Commission on Human Rights resolution 10 A (XXXIII) of 11 March 1977, by which the Commission requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of the protection of persons detained on the grounds of mental ill-health, with a view to formulating guidelines,

Recalling also its own resolution 1989/76 of 24 May 1989, by which it authorized an open-ended working group of the Commission to examine, revise and simplify as necessary the draft body of principles and guarantees submitted by the Sub-Commission,

Expressing its appreciation to the Commission on Human Rights for having concluded the elaboration of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care,

1. Decides to submit the draft body of principles and the report of the working group of the Commission on Human Rights (E/CN.4/1991/39) to the General Assembly for consideration, with a view to the adoption of the body of principles by the Assembly at its forty-sixth session;

2. Recommends that, on the adoption by the General Assembly of the draft body of principles, the full text thereof should be given the widest possible dissemination and that the introduction should at the same time be published as an accompanying document for the benefit of Governments and the public at large.

[See chap. II, sect. A, resolution 1991/46, and chap. XIV.]

V. Rights of persons belonging to national, ethnic, religious and linguistic minorities

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1991/61 of 6 March 1991,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for 20 fully-serviced meetings in an inter-sessional session at the beginning of December 1991 to complete its second reading of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, and with a view to submitting the text to the Commission on Human Rights at its forty-eighth session;

2. Requests the Secretary-General to provide the working group with all the assistance it may require for the continuation of its drafting work.

[See chap. II, sect. A, resolution 1991/61, and chap. XX.]

VI. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1991/63 of 6 March 1991,

1. Authorizes an open-ended working group to meet for a period of two weeks prior to the forty-eighth session of the Commission on Human Rights, with a view to continuing work on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities to the working group for its meetings.

[See chap. II, sect. A, resolution 1991/63, and chap. XXIII.]

VII. Strengthening of the independence of the expert members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council,

Taking into account the relevant opinions of the Legal Counsel of the United Nations dated 16 February 1984 and 31 July 1989,

Interprets rule 59 of the rules of procedure of the functional commission of the Economic and Social Council as follows: it is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities may vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it so decides by a majority of its present and voting members.

[See chap. II, sect. A, resolution 1991/81, and chap. XIX.]

B. Draft decisions

1. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/7 of 22 February 1991, approves the Commission's request to the Special Rapporteur to submit a preliminary report to the General Assembly at its forty-sixth session.

[See chap. II, sect. A, resolution 1991/7, and chap. IX.]

2. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/11 of 22 February 1991, approves the Commission's request to the Secretary-General to prepare and finalize a handbook of recourse procedures for victims of racism and racial discrimination, and also approves the Commission's request to the Secretary-General to organize in 1991 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives.

[See chap. II, sect. A, resolution 1991/11, and chap. XVI.]

3. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/18 of 1 March 1991, approves the Commission's request to the Secretary-General to organize, under the United Nations programme of human rights activities in 1992-1993, an expert seminar for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

[See chap. II, sect. A, resolution 1991/18, and chap. VII.]

4. Respect for the right of everyone to own property alone as well as in association with others

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/19 of 1 March 1991, approves the Commission's request to the Chairman of the Commission to entrust an independent expert with the task of preparing a study on the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributes to the development of individual liberty and initiative, which serve to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms.

[See chap. II, sect. A, resolution 1991/19, and chap. VII.]

5. Situation of human rights in South Africa

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/21 of 1 March 1991, approves the Commission's decision to renew for a further period of two years the mandate of the *Ad Hoc* Working Group of Experts on Southern Africa, and also approves the Commission's request to the *Ad Hoc* Working Group of Experts to submit a brief preliminary report to the General Assembly at its forty-sixth and forty-seventh sessions.

[See chap. II, sect. A, resolution 1991/21, and chap. V.]

6. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/25 of 5 March 1991, approves the Commission's request to the Secretary-General to submit to the Commission at its forty-eighth session an analytical report on internally displaced persons, taking into account the protection of human rights of internally displaced persons, based on information submitted by Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross and non-governmental organizations.

[See chap. II, sect. A, resolution 1991/25, and chap. XI.]

7. World Conference on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/30 of 5 March 1991, approves the Commission's recommendation to its Chairman, the Chairpersons or other designated members of human rights bodies, including the persons chairing the bodies established under international human rights instruments or their designated representatives, as well as special and thematic rapporteurs and the Chairpersons or designated members of working groups to contribute to the preparations for the World Conference by taking part as appropriate in the work of the Preparatory Committee.

[See chap. II, sect. A, resolution 1991/30 and chap. XI.]

8. Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/38 of 5 March 1991, approves the Commission's encouragement to Governments to give serious consideration to inviting the Special Rapporteur to visit their country so as to enable him to fulfil his mandate even more effectively.

[See chap. II, sect. A, resolution 1991/38, and chap. X.]

9. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/39 of 5 March 1991, approves the endorsement by the Commission of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers, as described in Sub-Commission resolution 1990/23 of 30 August 1990, and approves the Commission's request to the Secretary-General to give Mr. Joinet all the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1991/39, and chap. X.]

10. Question of enforced or involuntary disappearances

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/41 of 5 March 1991, in which Governments concerned were encouraged to give serious consideration to inviting the Working Group on Enforced or Involuntary Disappearances to visit their country, so as to enable the Working Group to fulfil its mandate even more effectively, approves the Commission's request to the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions or holding sessions in countries which would be prepared to receive it.

[See chap. II, sect. A, resolution 1991/41, and chap. X.]

11. Question of arbitrary detention

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/42 of 5 March 1991, approves the Commission's decision to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards as set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned; decides to request the Chairman of the Commission, after consultation with the Bureau, to appoint the members of the working group; and approves the Commission's request to the Secretary-General to provide all necessary assistance to the working group to enable it to accomplish its task.

[See chap. II, sect. A, resolution 1991/42, and chap. X.]

12. Human rights and the environment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/44 of 5 March 1991, approves the endorsement by the Commission of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mrs. Fatma Zohra Ksentini, Special Rapporteur, with the task of preparing a study on human rights and the environment, and requests the Secretary-General to provide her with all the assistance she may need for the completion of this task.

[See chap. II, sect. A, resolution 1991/44, and chap. XIV.]

13. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/48 of 5 March 1991, approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1991/48, and chap. XXII.]

14. Assistance to Guatemala in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/51 of 6 March 1991, approves the Commission's request to the Secretary-General to extend the mandate of the independent Expert.

[See chap. II, sect. A, resolution 1991/51, and chap. XXI.]

15. Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/53 of 6 March 1991, approves the Commission's request to the Special Rapporteur to continue to carry out his work in the light of the mandate as enunciated in Commission resolution 1990/68 and taking into account the conclusions and recommendations in his report, and also approves the Commission's request to the Secretary-General to provide all neccessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1991/53, and chap. XXIV.]

16. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/56 of 6 March 1991, approves the Commission's invitation to the Chairman of the Commission to inform the Sub-Commission on the Prevention of Discrimination and Protection of Minorities concerning the debate on the report of the Sub-Commission on its forty-second session, and also approves the Commission's request to the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines which the Commission provided in the resolution.

[See chap. II, sect. A, resolution 1991/56, and chap. XIX.]

17. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/59 of 6 March 1991, authorizes that the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities meet for ten working days prior to the forty-third session of the Sub-Commission and approves the Commission's request to the Secretary-General to give all necessary assistance to the Working Group and its Chairman-Rapporteur in discharging their tasks and to ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both English and Spanish.

[See chap. II, sect. A, resolution 1991/59, and chap. XIX.]

18. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/62 of 6 March 1991, approves the Commission's request to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to submit a preliminary report to the Sub-Commission at its forty-third session, and also approves the Commission's request to the Secretary-General to give the Special Rapporteur all the assistance he may require, including a technical meeting of experts for three days, to enable him to carry out his work successfully.

[See chap. II, sect. A, resolution 1991/62, and chap. XX.]

19. Situation of human rights in Kuwait under Iraqi occupation

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/67 of 6 March 1991, approves the Commission's decision to appoint an individual of recognized international standing as special rapporteur with a mandate to examine the human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq and to report as soon as possible to the General Assembly and to the Commission on Human Rights at its forty-eighth session, and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the special rapporteur to enable him to carry out his mandate in the best possible conditions.

[See chap. II, sect. A, resolution 1991/67, and chap. XII.]

20. Situation of human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/68 of 6 March 1991, approves the Commission's request to the Secretary-General, after consultation with the Chairman and the Bureau of the Commission, to appoint a special representative to maintain direct contacts with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission which took place in Cuba (E/CN.4/1989/46 and Corr.1), and also approves the Commission's request to the appointed special representative to report the results to the Commission at its forty-eighth session on the endeavours pursuant to Commission resolution 1991/68.

[See chap. II, sect. A, resolution 1991/68, and chap. XII.]

21. Situation of human rights in Romania

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/69 of 6 March 1991, approves the Commission's decision to extend the mandate of the Special Rapporteur for a further year, and also approves the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate in the best possible conditions.

[See chap. II, sect. A, resolution 1991/69, and chap. XII.]

22. Cooperation with representatives of United Nations human rights bodies

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/70 of 6 March 1991, approves the Commission's invitation of the Secretary-General to submit to the Commission at its forty-eighth session a report containing any available information, from all appropriate sources, on alleged reprisals against witnesses or victims of human rights violations.

[See chap. II, sect. A, resolution 1991/70, and chap. XII.]

23. Summary or arbitrary executions

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/71 of 6 March 1991, approves the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1991/71, and chap. XII.]

24. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/74 of 6 March 1991, approves the Commission's request to the Chairman of the Commission, after consultation with the Bureau, to appoint an individual of recognized international standing in the field of human rights as special rapporteur of the Commission whose mandate will be to make a thorough study of the violations of human rights by the Government of Iraq and submit an interim report thereon to the General Assembly at its forty-sixth session and a report to the Commission at its forty-eighth session, and also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur of the Commission.

[See chap. II, sect. A, resolution 1991/74, and chap. XII.]

25. Situation of human rights in El Salvador

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/75 of 6 March 1991, approves the Commission's decision to extend the mandate of the Special Representative for a further year, and also approves the Commission's request to the Special Representative to submit his report on the development of the human rights situation in El Salvador to the General Assembly at its forty-sixth session and to the Commission on Human Rights at its forty-eighth session.

[See chap. II, sect. A, resolution 1991/75, and chap. XII.]

26. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/77 of 6 March 1991, approves the Commission's request to the Chairman of the Commission to appoint an independent Expert to examine developments in the human rights situation in Haiti, and also approves the Commission's request to the Secretary-General to provide the independent Expert with all necessary assistance in performing his task.

[See chap. II, sect. A, resolution 1991/77, and chap. XII.]

27. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/78 of 6 March 1991, approves the Commission's decision to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-sixth session and to the Commission on Human Rights at its forty-eighth session on the situation of human rights in Afghanistan, and also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1991/78, and chap. XII.]

28. Situation in Equatorial Guinea

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/80 of 6 March 1991, approves the Commission's request to the Secretary-General to extend the mandate of the Expert responsible for cooperating with the Government of Equatorial Guinea in the full implementation of the Plan of Action proposed by the United Nations and accepted by that Government, with a view to studying the existing situation of human rights and fundamental freedoms in Equatorial Guinea.

[See chap. II, sect. A, resolution 1991/80, and chap. XXI.]

29. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1991/82 of 7 March 1991, approves the Commission's request to the Special Representative to maintain his contacts and cooperation with the Government of the Islamic Republic of Iran and to report on further progress with regard to the recommendations contained in his report, and also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative.

[See chap. II, sect. A, resolution 1991/82, and chap. XII.]

30. Question of human rights and states of emergency

The Economic and Social Council, taking note of Commission on Human Rights decision 1991/108 of 5 March 1991 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/19 of 30 August 1990, endorses the request by the Sub-Commission to Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list on states of emergency and to present in his annual report to the Sub-Commission and the Commission draft standard provisions on emergency situations and also endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require in order to enable him to carry out his work and, in particular, to respond in an effective way to information submitted to him.

[See chap. II, sect. B, decision 1991/108, and chap. X.]

31. Organization of the work of the forty-eighth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1991/110 of 8 March 1991, decides to authorize, if possible within existing financial resources, 40 fully-serviced additional meetings, including summary records, for the Commission's forty-eighth session. The Council takes note of the Commission's decision to request the Chairman at its forty-eighth session to make every effort to organize the work of the session within the normal allotted time, the additional meetings to be utilized only if they prove to be absolutely necessary.

[See chap. II, sect. B, decision 1991/110 and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FORTY-SEVENTH SESSION

A. Resolutions

1991/1. Question of the violation of human rights in the occupied Arab territories, including Palestine

A

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of the First Protocol annexed to it, and The Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the relevant Security Council resolutions, in particular resolutions 252 (1968) of 25 May 1968, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, and 672 (1990) of 12 October 1990,

Recalling the General Assembly resolutions on Israeli violations of human rights in occupied Palestine, since 1967 and until now,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, in particular the report of 1990 (A/45/576),

Expressing its deep concern at the contents of the report by the Special Rapporteur, Mr. S. Amos Wako (E/CN.4/1990/22 and Corr.1), regarding summary or arbitrary executions and what is committed by Israel in this respect,

Recalling all its previous resolutions on the subject,

1. Condemns the policies and practices of Israel, which violate the human rights of the Palestinian people in the Palestinian territory occupied

by Israel with military force, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers on Palestinian civilians that results in killing and wounding them, as has happened continuously since the eruption of the Palestinian people's intifada against Israeli military occupation and as took place in the massacres of 20 May 1990 in Rishon Letzion and in the Al-Aqsa Mosque on 8 October 1990; the imposition of restrictive economic measures; the demolition of houses; the ransacking of real or personal property belonging individually or collectively to private persons; collective punishment; arbitrary and administrative detention of thousands of Palestinians; the confiscation of the property of Palestinians, including their bank accounts; the expropriation of land; the prevention of travel; the closure of universities and schools; the perpetration of crimes of torture in prisons and detention centres; and the establishment of Jewish settlements in the occupied Palestinian territory;

2. Affirms the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with the relevant United Nations resolutions, consistent with the purposes and principles of the Charter of the United Nations, as has been expressed by the Palestinian people in their brave intifada since December 1987;

3. Calls once more upon Israel to desist from all forms of violations of human rights in the Palestinian and other occupied Arab territories and to respect the principles of international law, and its commitments to the provisions of the Charter;

4. Calls upon Israel to withdraw from the Palestinian territory, including Jerusalem, and other occupied Arab territories in accordance with the resolutions of the United Nations and the Commission on Human Rights in this regard;

5. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation to the Commission on Human Rights at its forty-eighth session;

6. Further requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the population of the Palestinian and other occupied Arab territories is living;

7. Decides to consider the question at its forty-eighth session as a matter of priority.

28th meeting
15 February 1991
[Adopted by a roll-call vote of 28 to 1,
with 10 abstentions. See chap. IV.]

B

The Commission on Human Rights,

Recalling Security Council resolutions 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 497 (1981) of 17 December 1981, 592 (1986) of 8 December 1986, and 605 (1987) of 22 December 1987, as well as all its previous resolutions on the application of the Geneva Conventions of 12 August 1949 to the Palestinian and other Arab territories occupied by Israel and the refusal of Israel to abide by those Conventions,

Recalling all relevant General Assembly resolutions on the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, and the necessity for Israel to abide by their provisions,

Recalling the decisions of the International Conference of the Red Cross in respect of the application of the Fourth Geneva Convention,

Recalling its previous resolutions on this question,

Recalling the different appeals and statements of the International Committee of the Red Cross which point to the continuing Israeli violations of the provisions of the Fourth Geneva Convention and which call upon those authorities to respect the provisions of the Convention and abide by them,

Taking into account that the States parties to the Fourth Geneva Convention undertake, in accordance with article 1 thereof, to respect, and ensure respect for, the Convention in all circumstances,

1. *Reaffirms* that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and calls upon Israel to comply with its international commitments, to respect the Fourth Geneva Convention and to apply it in the occupied Palestinian territory, including Jerusalem;

2. *Urges once more* all States parties to the Fourth Geneva Convention to make every effort to ensure the Israeli occupation authorities' respect for, and compliance with, the provisions of that Convention in the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and to undertake the necessary practical measures to ensure the provision of international protection for the Palestinian people under occupation in accordance with the provisions of article 1 and other relevant articles of the Fourth Geneva Convention;

3. *Strongly condemns once more* the refusal of Israel to apply the Fourth Geneva Convention to Palestine and the Arab territories occupied since 1967 and to their inhabitants, and Israel's policies of ill-treatment and

torture of Palestinian detainees and prisoners in Israeli prisons and concentration camps, and its continued deliberate disregard for the provisions of the Fourth Geneva Convention, in contravention of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

4. Strongly condemns Israel for its grave violations of article 49 of the Fourth Geneva Convention, for its continuation of a policy of deportation of Palestinian citizens and their expulsion outside their homeland, as recently happened to the Palestinian citizens Imad Khaled Al-Alami, Fadel Khaled Zuheir Al-Zaamout, Mustafa Yusef Abdallah Al-Lidawi and Mustafa Ahmed Jamil Al-Qanouh, and calls upon Israel to comply with the resolutions of the Security Council, the General Assembly and the Commission on Human Rights which provide for their return to their homeland, and to desist forthwith from this policy;

5. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations, international humanitarian organizations and non-governmental organizations, and to submit a report on progress in its implementation to the Commission on Human Rights at its forty-eighth session;

6. Decides to consider the question at its forty-eighth session as a matter of high priority.

28th meeting
15 February 1991
[Adopted by a roll-call vote of 26 to 1,
with 11 abstentions. See chap. IV.]

1991/2. Human rights in the occupied Syrian Arab territory

The Commission on Human Rights,

Deeply concerned by the suffering of the population of the Syrian and other Arab territories occupied by Israel since 1967 and by continued Israeli military occupation and that the human rights of the population continue to be violated,

Recalling Security Council resolution 497 (1981) of 17 December 1981, in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Arab Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision, Recalling General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F of 3 December 1986, 42/160 F of 8 December 1987, 43/21 of 3 November 1988, 43/58 F of 6 December 1988, 44/2 of 6 October 1989, and 45/74 F of 11 December 1990,

Recalling General Assembly resolution 3414 (XXX) of 5 December 1975 and other relevant resolutions in which the Assembly, inter alia, demanded the immediate, unconditional and total withdrawal of Israel from all the Arab territories occupied since 1967,

Recalling General Assembly resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible, under the principles of international law and under the Charter of the United Nations and the relevant resolutions of the Security Council and the General Assembly, and that all territories thus occupied by Israel must be returned,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/45/576) and in this connection deploring Israel's constant refusal to cooperate with and to receive the Committee,

Expressing its grave alarm, after considering the above-mentioned report of the Committee, over Israel's flagrant and persistent violations of human rights in the Syrian and other Arab territories occupied since 1967, despite the resolutions of the General Assembly and the Security Council which repeatedly called upon Israel to put an end to such occupation,

Reaffirming its previous relevant resolutions, the most recent of which being resolution 1990/3 of 16 February 1990,

Guided by the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, with particular reference to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and relevant provisions of The Hague Conventions of 1899 and 1907,

1. *Strongly condemns* Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly resolution 497 (1981), in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. *Condemns* the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan and emphasizes that the displaced persons of the population of the occupied Syrian Arab Golan must be allowed to return to their homes and to recover their properties;

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. *Strongly condemns* Israel for its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Arab Golan and for its practices of annexation, establishment of settlements, confiscation of lands and diversion of water resources, and imposing a boycott on their agricultural products; and calls upon Israel to desist from its settlement designs and policies aimed against academic institutions with the goal of distorting the historic facts and serving the objectives of occupation, and to desist from its repressive measures against the population of the Syrian Arab Golan;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its forty-eighth session;

7. *Decides* to include in the provisional agenda of its forty-eighth session, as a matter of high priority, the item "Question of the violation of human rights in the occupied Arab territories, including Palestine".

28th meeting
15 February 1991
[Adopted by 32 votes to 1, with
8 abstentions. See chap. IV.]

1991/3. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2 of the Universal Declaration of Human Rights, everyone has the right to leave any country including his own and to return to his country,

Reaffirming that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolution 1990/1 of 16 February 1990,

Gravely concerned at the large-scale establishment, by the Israeli Government, of settlers, including immigrants, in the occupied territories which is liable to change the physical character and the demographic composition of the occupied territories,

1. *Reaffirms* that the installation of Israeli civilians in the occupied territories is illegal and constitutes a violation of the relevant provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

2. *Regrets* that the Government of Israel did not comply with the provisions of Commission on Human Rights resolution 1990/1;

3. *Urges* the Government of Israel to abstain from installing settlers, including immigrants, in the occupied territories.

28th meeting
15 February 1991
[Adopted by 38 votes to none, with
1 abstention. See chap. IV.]

1991/4. Situation in Afghanistan

The Commission on Human Rights,

Recalling its resolutions 1989/23 of 6 March 1989 and 1990/5 of 16 February 1990,

Bearing in mind that one of the fundamental purposes of the United Nations set forth in the Charter is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State,

Noting the conclusion at Geneva, on 14 April 1988, of the Agreements on the Settlement of the Situation relating to Afghanistan,

Recalling General Assembly resolutions 43/20 of 3 November 1988, 44/15 of 1 November 1989 and 45/12 of 7 November 1990, in which the Assembly reaffirmed, inter alia, the inalienable right of all peoples to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

Gravely concerned at the situation in Afghanistan, which resulted from the violation of principles of the Charter of the United Nations and of the recognized norms of inter-State conduct,

Aware of the continuing concern of the international community over the suffering of the Afghan people and the magnitude of the social and economic problems posed to Pakistan and the Islamic Republic of Iran by the presence on their soil of millions of Afghan refugees,

Deeply conscious of the urgent need for a comprehensive political solution of the situation in respect of Afghanistan on the basis of the free exercise of the right of self-determination by the Afghan people,

1. Emphasizes the importance of the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at Geneva on 14 April 1988, under United Nations auspices, which constitute an important step toward a comprehensive political solution of the Afghanistan problem;

2. Calls for the scrupulous respect for and faithful implementation of the Geneva Agreements by all parties concerned who should fully abide by their letter and spirit;

3. Expresses its appreciation to the Secretary-General and his Personal Representative for their constant efforts to achieve a political solution of the Afghanistan problem;

4. Reaffirms the right of the Afghan people to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

5. Reiterates that the preservation of the sovereignty, territorial integrity, political independence and non-aligned and Islamic character of Afghanistan is essential for a peaceful solution of the Afghanistan problem;

6. *Calls upon* all parties concerned to work for the urgent achievement of a comprehensive political solution, the cessation of hostilities and the creation of the necessary conditions of peace and normalcy which would enable the Afghan refugees to return voluntarily to their homeland in safety and honour;

7. *Emphasizes* the need for an early start of the intra-Afghan dialogue for the establishment, through democratic procedures acceptable to the Afghan people, including free and fair elections, of a broad-based government to ensure the broadest support and immediate participation of all segments of the Afghan people;

8. *Requests* the Secretary-General and his Personal Representative to continue to encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan in accordance with the provisions of the Geneva Agreements and General Assembly resolution 45/12;

9. *Renews its appeal* to all States and national and international organizations to continue to extend humanitarian relief assistance with a view to alleviating the hardship of the Afghan refugees, in coordination with the United Nations High Commissioner for Refugees;

10. *Calls upon* all States to provide adequate financial and material resources to the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan for the purposes of the speedy repatriation and rehabilitation of the Afghan refugees in their country as well as for its economic and social reconstruction;

11. *Decides* to consider the question at its forty-eighth session under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

28th meeting
15 February 1991
[Adopted without a vote. See chap. IX.]

1991/5. *Question of Western Sahara*

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, *Recalling* its earlier resolutions on the question of Western Sahara, the latest of which is resolution 1990/4 of 16 February 1990,

Recalling resolution AHG/Res.104 (XIX) on Western Sahara, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the joint proposals of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to the holding of a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in cooperation with the Organization of African Unity,

Recalling further Security Council resolution 621 (1988) of 20 September 1988, concerning the question of Western Sahara,

Taking note with satisfaction of the appointment on 19 January 1990 of Mr. Johannes Manz as Special Representative of the Secretary-General for Western Sahara,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples [A/45/23 and Corr.1 (Part IV)],

Having examined the report of the Secretary-General on the question of Western Sahara (A/45/644 and Corr.1),

Reiterating its support for the joint good offices process initiated in New York on 9 April 1986 by the then Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to promoting a just and definitive solution of the question of Western Sahara in accordance with resolution AHG/Res.104 (XIX) and General Assembly resolution 40/50 of 2 December 1985,

1. *Takes note with appreciation* of the report of the Secretary-General on the question of Western Sahara;

2. *Reaffirms* that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

3. Welcomes with satisfaction the report submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara (S/21360), which was unanimously approved by the Council in its resolution 658 (1990) of 27 June 1990;

4. Takes note with appreciation of the dispatching to Western Sahara and to neighbouring countries of the technical mission in order to refine the administrative aspects of the outlined plan (see S/21360, part II) and to obtain the necessary information for the preparation of a further report of the Secretary-General to the Security Council containing, in particular, an estimate of the cost of the United Nations Mission for the Referendum in Western Sahara;

5. Expresses its full support for the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and definitive solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

6. Urges the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to continue and intensify their efforts with a view to resolving the remaining problems, and thus to fulfil the necessary conditions for the holding of a referendum for self-determination of the people of Western Sahara, without any administrative or military constraints, organized and supervised by the United Nations in cooperation with the Organization of African Unity;

7. Reaffirms its conviction that the direct dialogue between the two parties to the conflict could contribute to the completion of the joint good offices process of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations, to the restoration of peace in Western Sahara and to stability and security in the whole region;

8. Appeals once again to the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to display the cooperation and the political goodwill necessary for the completion of the peace process with a view to speedy settlement of the question of Western Sahara;

9. Recalls that the General Assembly, in its resolution 45/21 of 20 November 1990, has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the Assembly at its forty-sixth session;

10. _Invites_ the Secretary-General of the Organization of African Unity to keep the Secretary-General of the United Nations informed of the progress achieved in the implementation of the decisions of the Organization of African Unity relating to Western Sahara;

11. _Invites_ the Secretary-General to follow the situation in Western Sahara closely with a view to the implementation of General Assembly resolution 45/21 and to report thereon to the Assembly at its forty-sixth session;

12. _Decides_ to follow the development of the situation in Western Sahara and to consider the question at its forty-eighth session, as a matter of high priority, under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

28th meeting
15 February 1991
[Adopted without a vote. See chap. IX.]

1991/6. _Situation in occupied Palestine_

The Commission on Human Rights,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially resolution 37/86 E of 20 December 1982,

Recalling Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) of 17 May 1974,

Reaffirming its previous resolutions in this regard,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations and the relevant United Nations resolutions,

Expressing its grave concern at the persistence of Israel in preventing by force the Palestinian people from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law, United Nations resolutions and the will of the international community, which has affirmed those rights in its different resolutions, *Recalling* that military aggression by the forces of any State against the territory of another State constitutes an offence against the peace and security of mankind,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which constitutes the core of the Arab-Israeli conflict,

Reiterating its grave concern at the military, economic and political support given by some States to Israel, which encourages and supports Israel in its aggressive and expansionist policies and its continued occupation of Palestinian and other Arab territories,

1. *Reaffirms* that the Israeli occupation of Palestine constitutes a gross violation of human rights and an offence against the peace and security of mankind;

2. *Reaffirms* the inalienable right of the Palestinian people to self-determination without external interference and to the establishment of their independent sovereign State on their national soil in accordance with the Charter of the United Nations and resolutions adopted by the General Assembly since 1947;

3. *Reaffirms* the inalienable right of the Palestinians to return to their homeland, Palestine, in accordance with General Assembly resolution 194 (III) and subsequent relevant resolutions;

4. *Reaffirms* the right of the Palestinian people to recover their rights by all means in accordance with the purposes and principles of the Charter of the United Nations and with relevant United Nations resolutions, and affirms that the intifada of the Palestinian people against the Israeli occupation since 8 December 1987 is a form of legitimate resistance against the Israeli military occupation of Palestine and an expression of the Palestinian people's rejection of the occupation and an affirmation of their unshakeable desire for liberation and for the exercise of their inalienable national rights on their national soil;

5. *Reaffirms its support* for the call to convene an effective international peace conference on the Middle East, with the participation of the permanent members of the Security Council and the parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, under the auspices of the United Nations, in accordance with the resolutions of the General Assembly and the Security Council, and to guarantee the inalienable national rights of the Palestinian people, in particular their right to self-determination;

6. *Strongly condemns* Israel for its continued occupation of the Palestinian territory, which constitutes the main obstacle to the exercise by the Palestinian people of their national rights, foremost of which is their right to free self-determination on their national soil;

7. *Calls upon* Israel to comply with its obligations under the Charter of the United Nations and to withdraw from the Palestinian and other Arab territories which it has occupied since 1967, including Jerusalem, in accordance with the relevant United Nations resolutions;

8. *Urges* all States, United Nations organs, the specialized agencies and other international organizations to extend their support and assistance to the Palestinian people through their representative, the Palestine Liberation Organization, in their struggle to recover their rights ard to liberate their land from Israeli occupation, in accordance with the Charter of the United Nations and with the relevant United Nations resolutions;

9. *Requests* the Secretary-General to make available to the Commission on Human Rights, prior to the convening of its forty-eighth session, all information pertaining to the implementation of the present resolution;

10. *Requests* the Secretary-General to transmit the present resolution to the Government of Israel with a view to its implementation, and to report to the Commission at its forty-eighth session on the extent of achieving that aim;

11. *Decides* to include in the provisional agenda of its forty-eighth session, as a matter of high priority, the item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item.

28th meeting
15 February 1991
[Adopted by 29 votes to 1, with
12 abstentions. See chap. IX.]

1991/7. *Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination*

The Commission on Human Rights,

Recalling the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as the principle of scrupulously refraining in international relations from the threat or use of force as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

Recognizing that mercenaries are used for activities which violate these principles, Alarmed at the continuing trend of unlawful international activities involving mercenaries in the perpetration of violent actions inimical to the constitutional order of States,

Concerned at the menace that the activities of mercenaries represent for all the developing countries in Asia, Latin America and the Caribbean and, in particular, in Africa,

Gravely concerned by the loss of life, the damage to property and the negative effects on the economies of affected States, in the southern African region and elsewhere,

1. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1991/14);

2. Reaffirms that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States;

3. Calls upon all States which have not yet done so to consider taking early action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

4. Requests the Special Rapporteur to submit a preliminary report to the General Assembly at its forty-sixth session under the agenda item "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights";

5. Also requests the Special Rapporteur to submit his report to the Commission at its forty-eighth session on all further developments concerning the use of mercenaries, wherever this may occur.

38th meeting
22 February 1991
[Adopted without a vote. See chap. IX.]

1991/8. Detention, torture and other inhuman treatment of children in South Africa

The Commission on Human Rights,

Recalling its resolutions 1987/14 of 3 March 1987, 1988/11 of 29 February 1988, 1989/4 of 23 February 1989 and 1990/11 of 23 February 1990,

Recalling also General Assembly resolutions 42/124 of 7 December 1987, 43/134 of 8 December 1988, 44/143 of 15 December 1989 and 45/144 of

14 December 1990, adopted without a vote, in which the Assembly expressed its profound outrage at evidence of detention, torture and inhuman treatment of children in South Africa,

Recalling the relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Having examined the report of the Ad Hoc Working Group of Experts on Southern Africa (E/CN.4/1991/10) as well as the report of the Secretary-General (E/CN.4/1991/9),

Having taken note of the policy pronouncements of President F.W. De Klerk on 2 February 1990 and 1 February 1991,

Gravely concerned about reports of the continuing evidence that children in South Africa are subjected to detention, torture and inhuman treatment,

Reiterating its position that apartheid is repugnant, immoral and constitutes an affront to human dignity,

1. Reiterates its vigorous condemnation of the detention, torture and inhuman treatment of children in South Africa;

2. Demands that South Africa lift forthwith the restrictions imposed on children, particularly those released from detention, and ensure their basic and legitimate freedoms of movement, association and education;

3. Also demands the immediate and unconditional release of all children still held in detention;

4. Further demands the immediate, total and effective implementation of the political measures announced in the policy pronouncements of President De Klerk on 2 February 1990 and 1 February 1991;

5. Appeals to the international community to maintain all forms of measures to bring pressure to bear upon the Government of South Africa in order to achieve a profound and irreversible change to eradicate the policy of apartheid and the inhuman practices associated with this policy;

6. Requests the Ad Hoc Working Group of Experts on Southern Africa to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa and report to the Commission on Human Rights at its forty-eighth session;

7. _Requests_ the Secretary-General to provide every assistance to enable the _Ad Hoc_ Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

8. _Also requests_ the Secretary-General to bring the present resolution to the attention of the relevant United Nations organs, the specialized agencies and non-governmental organizations;

9. _Further requests_ all relevant United Nations organs, the specialized agencies and non-governmental organizations to launch a world-wide campaign aimed at drawing attention to monitoring and exposing the inhuman practices associated with the policy of apartheid and targeted on children;

10. _Decides_ to discuss the question of detention, torture and other inhuman treatment of children in South Africa at its forty-eighth session under the agenda item "Violations of human rights in South Africa: report of the _Ad Hoc_ Working Group of Experts".

38th meeting
22 February 1991
[Adopted without a vote. See chap. V.]

1991/9. _Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa_

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/18 of 31 August 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

Noting the initiative of the President of South Africa on 2 February 1990, promising a new era in South Africa and an end to white domination,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

38th meeting
22 February 1991
[Adopted by a roll-call vote of 28 to 13,
with 1 abstention. See Chap. VI.]

1991/10. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, 44/79 of 8 December 1989, and 45/90 of 14 December 1990,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of 26 February 1985, 1986/7 of 28 February 1986, 1987/11 of 26 February 1987, 1988/14 of 29 February 1988, 1989/8 of 23 February 1989 and 1990/12 of 23 February 1990,

Recalling also its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Having considered the report of the Group of Three established under article IX of the Convention (E/CN.4/1991/42),

Convinced that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

Noting that the crime of apartheid is a form of the crime of genocide,

Reiterating the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

Reaffirming its conviction that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate apartheid,

Taking note of Economic and Social Council resolution 1990/70 of 27 July 1990 by which the Council condemned those transnational corporations that continue to collaborate with the minority government in South Africa in defiance of United Nations resolutions and international public opinion and, in many cases, in violation of measures adopted by their home countries,

Expressing concern at the fact that only one State acceded to the Convention in 1990, *Reaffirming also its conviction* that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

Drawing attention to the need to strengthen the various mechanisms for combating apartheid, *inter alia*, through the establishment of an international penal tribunal as provided for in article V of the Convention,

Reaffirming further its conviction of the need to maintain sanctions and all forms of pressure against the Government of South Africa as an important and effective means available to the international community for putting an end to the system of apartheid,

1. *Takes note with appreciation* of the report of the Group of Three established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in particular of the conclusions and recommendations contained in that report;

2. *Welcomes* the work done by the Group of Three in accordance with Commission resolution 1990/12;

3. *Commends* those States parties to the Convention that have submitted periodic reports, and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. *Requests* the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they may submit additional information to the Group of Three at any time in the intervening period if they wish to do so;

5. *Urges* the States which have not yet done so to ratify or accede to the Convention without delay, especially those States which have jurisdiction over transnational corporations operating in South Africa;

6. *Also urges* all States to ratify the Convention on the Prevention and Punishment of the Crime of Genocide;

7. *Recommends once again* that all States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex);

8. *Reiterates its recommendation* to States parties to be represented when the report of their country is to be considered by the Group of Three;

9. Takes note of the opinion expressed by the Group of Three in its report that transnational corporations operating in South Africa must be considered, in accordance with article III (b) of the Convention, accomplices in the crime of apartheid (E/CN.4/1991/42, para. 23);

10. Calls upon all States whose transnational corporations continue to do business with South Africa to take all appropriate steps to terminate their dealings with South Africa;

11. Appeals to States parties to strengthen their cooperation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention and with the Charter of the United Nations;

12. Emphasizes the importance of measures to be taken in the field of teaching and education with a view to familiarizing the population with the evils of apartheid and ensuring fuller implementation of the Convention;

13. Appeals to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the minority Government of South Africa;

14. Requests the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa;

15. Requests the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission on Human Rights at its forty-ninth session;

16. Requests the Secretary-General to invite States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concerning the types of crimes of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

17. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accessions

to the Convention, and to give consideration to drawing up model legislation which would serve the States parties as a guide for the implementation of the provisions of the Convention;

18. Decides that, henceforth, the Group of Three should meet every two years rather than annually to consider the reports submitted by States parties in accordance with article VII of the Convention;

19. Requests the Secretary-General to provide all necessary assistance to the Group of Three.

38th meeting
22 February 1991
[Adopted by a roll-call vote of 29 to 1,
with 12 abstentions. See chap. XV.]

1991/11. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1990/13 of 23 February 1990,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984 on the Second Decade to Combat Racism and Racial Discrimination, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism and racial discrimination, to draw attention to them where discovered and to suggest remedial measures,

Convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa, Noting with concern that, despite the efforts of the international community, the principal objectives of the First Decade for Action to Combat Racism and Racial Discrimination were not attained and that millions of human beings continue to this day to be the victims of varied forms and new trends of racism, racial discrimination and apartheid,

Recalling General Assembly resolution 45/105 of 14 December 1990, in which the Assembly noted once again with regret that the current situation of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination was not encouraging, and strongly appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund,

Noting that the topic for thematic consideration in 1992 will be "Treatment of political prisoners and detainees in South Africa, particularly women and children",

Taking note of the report of the Secretary-General (E/CN.4/1991/43),

Convinced of the need for the General Assembly to proclaim in 1993 a Third Decade to Combat Racism and Racial Discrimination, as a means of intensifying international efforts in this field,

1. Commends all States that have ratified or acceded to the relevant international instruments to combat racism and racial discrimination;

2. Appeals to those States that have not yet done so to take the necessary steps to ratify, accede to and implement the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention against Apartheid in Sports and the Convention against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960;

3. Emphasizes again the importance of adequate recourse procedures for victims of racism and racial discrimination, and therefore requests once again the Secretary-General, in the light of the results of the seminars held on this topic, to prepare and finalize, with the assistance of experts in the field, a handbook of recourse procedures;

4. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

5. Urges all States and international organizations to cooperate with the Secretary-General in the implementation of those activities for the

period 1985-1989 (see A/39/167-E/1984/33 and Add.1 and 2) not yet undertaken and of the plan of activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47 of 30 November 1987;

6. Strongly appeals to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade of Action to Combat Racism and Racial Discrimination;

7. Requests the Secretary-General to continue to inform the Commission on Human Rights of the measures taken, pursuant to General Assembly resolutions 42/47 of 30 November 1987, 44/52 of 8 December 1989 and 45/105 of 14 December 1990, to ensure that the necessary and additional resources are included in the programme budget for the biennium 1990-1991 and in the proposed programme budget for the biennium 1992-1993 to provide for the implementation of the activities of the Second Decade to Combat Racism and Racial Discrimination;

8. Also requests the Secretary-General to inform the Commission on Human Rights annually of the progress made in carrying out the plan of activities for 1992-1993 so that the Commission can make its contribution thereto;

9. Takes note with satisfaction that the General Assembly, in its resolution 45/105, reiterated its request to the Economic and Social Council to submit to it annually, throughout the Second Decade, a report on the activities undertaken or contemplated to achieve the objectives of the Second Decade;

10. Notes and commends the efforts made to coordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Second Decade and encourages the Co-ordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts;

11. Welcomes the readiness of the Committee on the Elimination of Racial Discrimination to play an active part in the Second Decade and any successive programme, and encourages it to do so;

12. Decides to give thematic consideration each year to a selected topic within the plan of activities for 1990-1993, as listed in the annex to General Assembly resolution 42/47;

13. Recalls its resolution 1990/13 in which it decided that the topic for such thematic consideration in 1992 will be "Treatment of political prisoners and detainees in South Africa, particularly women and children";

14. Decides that the topic for 1993 will be "Global survey on the extent of dissemination of the International Convention on the Elimination of All Forms of Racial Discrimination";

15. Takes note with satisfaction of the report on the Seminar on the political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid, held at Geneva from 10 to 14 December 1990 (E/CN.4/1991/63), and requests the Secretary-General to give it wide distribution among Governments, the competent United Nations organs, the specialized agencies and other intergovernmental and non-governmental organizations;

16. Invites the Secretary-General to ensure the effective implementation of those activities proposed for the first half of the Second Decade that have not yet been undertaken and to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47, and requests him, in that context, to continue to accord the highest priority to measures to combat apartheid;

17. Requests the Secretary-General to organize in 1991 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives, which was scheduled for 1990;

18. Recommends that the General Assembly take appropriate steps, in due course, to launch a Third Decade to Combat Racism and Racial Discrimination, to begin in 1993;

19. Decides to consider at its forty-eighth session, as a matter of high priority, the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

38th meeting
22 February 1991
[Adopted without a vote. See chap. XVI.]

1991/12. Popular participation in its various forms as an important factor in development and in the full realization of all human rights

The Commission on Human Rights,

Recalling the resolutions and decisions of the General Assembly and the Economic and Social Council relating to the question of popular participation in its various forms as an important factor in development and in the full realization of all human rights,

Recalling also its resolutions on popular participation, including resolution 1989/14 of 2 March 1989 by which it requested the Secretary-General to submit a report containing comments on the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights (E/CN.4/1985/10 and Add.1 and 2) made by

Governments, United Nations organs, the specialized agencies and non-governmental organizations for consideration at its forty-sixth session,

Recalling further its resolution 1990/14 of 23 February 1990 in which it requested the Secretary-General, in preparing a study regarding the question of the extent to which the right to participation has been established and has evolved at the national level, to be submitted to the Commission at its forty-seventh session, to use once again all channels at his disposal to collect the relevant information and substantive views and comments on the study on popular participation,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1991/11) regarding the question of the extent to which the right to popular participation has been established and has evolved at the national level;

2. Requests the Secretary-General to update the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights, taking into account all replies given by Governments, United Nations organs, the specialized agencies and non-governmental organizations since the conclusion of that study as well as any further replies that might be received;

3. Decides to consider the question of popular participation at its forty-ninth session under the agenda sub-item "Popular participation in its various forms as an important factor in development and in the full realization of all human rights".

38th meeting
22 February 1991
[Adopted without a vote. See chap. VII.]

1991/13. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Recalling General Assembly resolution 32/130 of 16 December 1977,

Reaffirming the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural

Rights, the Declaration on Social Progress and Development, as well as the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Welcoming General Comment No. 2 (1990), on international technical assistance measures (art. 22 of the Covenant), adopted by the Committee on Economic, Social and Cultural Rights at its fourth session (see E/1990/23, annex III),

Welcoming also the preliminary report (E/CN.4/Sub.2/1989/19) and the progress report (E/CN.4/Sub.2/1990/19) on the realization of economic, social and cultural rights prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk,

Taking note with interest of the African Alternative Framework to Structural Adjustment Programmes for Socio-Economic Recovery and Transformation adopted by the General Assembly in its resolution 44/24 of 17 November 1989,

Bearing in mind Sub-Commission resolutions 1989/20 and 1989/21 of 31 August 1989 and resolution 1990/16 of 30 August 1990,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to man in order to promote all his rights effectively,

Noting with appreciation the conclusions of the United Nations Children's Fund study *Adjustment with a Human Face: Protecting the Vulnerable and Promoting Growth* and the reports *The State of the World's Children* of 1989, 1990 and 1991,

Having in mind the World Declaration on the Survival, Protection and Development of Children, and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (see E/CN.4/1991/59, annex),

Having in mind also the conclusions of the World Bank contained in the publication *World Debt Tables 1990-91* (vol. 1) of December 1990, relating to the external debt of developing countries,

Taking note of the report by Mr. Bettino Craxi, the Personal Representative of the Secretary-General on Debt (A/45/380, annex),

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and living standards in many developing countries, with serious effects, *inter alia*, on the growth of crime and on the difficulty of guaranteeing conditions that will permit the speedy and adequate administration of justice, *Observing* the beginning of new orientations in economic adjustment programmes which take into account economic growth and problems affecting the welfare of the population, and the positive response on the part of international financial agencies,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth, and that it is necessary, within those policies, to give priority consideration to human conditions, including standards of living, health, education and employment of the population, especially among low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990 and 1990/24 of 27 February 1990,

1. *Expresses its appreciation* for the preliminary and progress reports on the realization of economic, social and cultural rights prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk;

2. *Invites* the Sub-Commission to submit the third report of its Special Rapporteur to the Commission on Human Rights at its forty-eighth session;

3. *Invites* Governments which so desire to provide the Special Rapporteur of the Sub-Commission with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of human rights;

4. *Requests* the Special Rapporteur of the Sub-Commission to take into account, in his third report, the comments and views of Governments on the subject;

5. *Decides* to continue to consider, at its forty-eighth session, the agenda sub-item "Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

38th meeting
22 February 1991
[Adopted by 31 votes to 2, with 9 abstentions. See chap. VII.]

1991/14. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings, enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights remain interrelated goals,

Deeply concerned by the fact that, despite the progress achieved by the international community in ensuring the effective enjoyment of human rights, extreme poverty continues to spread throughout the world, seriously affecting the most vulnerable and disadvantaged individuals, families and groups in all countries, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of human rights are essential if individuals are to participate freely and responsibly in the development of the society in which they live,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question,

Recalling its resolution 1990/14 of 23 February 1990,

Recalling General Assembly resolution 44/148 of 15 December 1989,

Recalling decision 1989/8 adopted by the Executive Board of the United Nations Children's Fund at its first regular session of 1989, in which it is emphasized, _inter alia_, that a more thorough knowledge of the situation of the poorest, of their living conditions and the pre-conditions for their partnership would make it easier to reach the groups in question,

Noting with satisfaction Sub-Commission decision 1990/119 of 30 August 1990, in which the Sub-Commission requested Mr. Eduardo Suescún Monroy to prepare, without financial implications, the method and plan of work for the study on human rights and extreme poverty requested by the Commission in its resolution 1990/15 and decided to consider the preliminary version of this study at its forty-third session,

Bearing in mind the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

Aware of the need for a better understanding of the causes of extreme poverty, including the causes connected with the problems of development, and its interaction with the enjoyment of human rights,

1. _Reaffirms_ that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. _Calls upon_ States, the specialized agencies and United Nations bodies and other international organizations, including intergovernmental organizations, to give the necessary attention to this problem when they make known their views on human rights based on solidarity, pursuant to General Assembly resolution 44/148;

3. _Draws the attention_ of the General Assembly and all United Nations bodies to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

4. _Encourages_ the Committee on Economic, Social and Cultural Rights to give the necessary attention, in its work, to the question of extreme poverty and exclusion from society;

5. _Recommends_ that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, when considering, in accordance with its decision 1990/119, the method and plan of work for the study on human rights and extreme poverty, should give attention more particularly to the conditions in which the poorest themselves can convey their experience and so contribute to a better understanding of the harsh reality of their lives and its causes.

38th meeting
22 February 1991
[Adopted without a vote. See chap. VII.]

1991/15. The right to development

The Commission on Human Rights,

Recalling the resolutions of the General Assembly and its own resolutions on the right to development,

Reaffirming the principles contained in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the report on the Global Consultation on the Realization of the Right to Development as a Human Right (E/CN.4/1990/9/Rev.1),

Bearing in mind General Assembly resolution 45/97 of 14 December 1990 by which the Assembly called upon the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration on the Right to Development, taking into account the conclusions and recommendations of the Global Consultation and replies received,

Taking note of the comprehensive report of the Secretary-General (E/CN.4/1991/12), prepared in accordance with Commission on Human Rights resolution 1990/18 of 23 February 1990,

Recalling General Assembly resolution 45/155 of 18 December 1990 by which the Assembly decided, *inter alia*, that one of the objectives of the 1993 World Conference on Human Rights is to examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights,

1. Reaffirms the importance of the right to development;

2. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-eighth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, taking into account the views expressed on the issue at the forty-seventh session of the Commission as well as any further comments and suggestions that may be submitted on the basis of paragraph 3 of Commission resolution 1990/18;

3. _Calls upon_ the Preparatory Committee for the World Conference on Human Rights, in examining the relationship between development and the enjoyment of human rights to take fully into account the Declaration on the Right to Development;

4. _Decides_ to consider at its forty-eighth session the item entitled "Question of the realization of the right to development".

38th meeting
22 February 1991
[Adopted by a roll-call vote of 40 to 1,
with 2 abstentions. See chap. VIII.]

1991/16. _Status of the International Covenants on Human Rights_

The Commission on Human Rights,

Recalling its resolution 1990/20 of 23 February 1990 and General Assembly resolution 45/135 of 14 December 1990,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Considering that the twenty-fifth anniversary of the adoption of the Covenants, on 16 December 1991, provides an appropriate occasion to focus on the fundamental importance and special status of these basic human rights instruments of the United Nations,

Having considered the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/45/403),

Noting in this regard that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind its responsibility for the coordination of activities concerning human rights in the United Nations system, in accordance with Economic and Social Council resolution 1979/36 of 10 May 1979,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations, Taking note with appreciation of the conclusions and recommendations of the third meeting of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 (A/45/636, annex, sect. VI),

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services to the States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

4. Again invites States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. Recommends to States parties that they periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed condition and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide the fullest possible information during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. _Welcomes also_ the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments to the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. _Urges_ States parties to fulfil their reporting obligations under the International Covenants on Human Rights;

12. _Requests_ the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

13. _Encourages once again_ all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to dissemirate them as widely as possible in order to make them better known;

14. _Requests_ the Secretary-General to submit to the Commission on Human Rights, at its forty-eighth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations, and to include in that report information on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights;

15. _Decides_ to include in the provisional agenda of its forty-eighth session the agenda item "Status of the International Covenants on Human Rights".

38th meeting
22 February 1991
[Adopted without a vote. See chap. XVII.]

1991/17. _Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime in South Africa_

The Commission on Human Rights,

Recalling all General Assembly resolutions on this matter,

Welcoming with satisfaction the Declaration on Apartheid and its Destructive Consequences in Southern Africa contained in General Assembly resolution S-16/1 adopted by consensus on 14 December 1989, and General Assembly resolution 44/244 of 17 September 1990, Bearing in mind its resolutions 7 (XXXIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979, 11 (XXXVI) of 26 February 1980, 8 (XXXVII) of 23 February 1981, 1982/12 of 25 February 1982, 1983/11 of 18 February 1983, 1984/6 of 28 February 1984, 1985/9 of 26 February 1985, 1986/5 of 28 February 1986, 1987/9 of 26 February 1987, 1988/13 of 29 February 1988, 1989/7 of 23 February 1989 and 1990/22 of 27 February 1990,

Taking into account the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, in particular at its twenty-sixth ordinary session, held at Addis Ababa from 9 to 11 July 1990 (see A/45/482, annex II),

Taking note of all the resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on this matter,

Taking note with appreciation of the updated report prepared by the Special Rapporteur of the Sub-Commission on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1990/13 and Add.1),

Reiterating its appreciation of the conclusion, re-endorsed by the Group of Three established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1991/42, para. 23), that transnational corporations operating in South Africa must be considered, in conformity with article III (b) of the Convention, accomplices in the crime of apartheid and must be prosecuted for their responsibility in the continued existence of that crime,

Strongly convinced that sanctions and other restrictive measures have had a significant impact on recent developments in South Africa and remain a most effective and necessary instrument of pressure to bring about the peaceful resolution of the conflict in that country,

Reaffirming that any form of assistance given to the racist régime of South Africa constitutes a hostile act against the oppressed people of South Africa in their struggle for freedom and independence and obstructs efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa,

Reaffirming that the utmost priority must be accorded to ensuring the full implementation of international instruments as well as the resolutions of the United Nations for the eradication of racism and apartheid,

Noting with profound concern that the major Western and other trading partners of South Africa continue to collaborate with the racist régime, disregarding United Nations decisions relating to the total isolation of South Africa, and that their collaboration constitutes an obstacle to the eradication of the system of apartheid, Concerned that the persistence of certain banking and international financial institutions in rescheduling Pretoria's international debt and the granting of new loans are hostile acts against the oppressed in South Africa,

Alarmed at the continued collaboration of some Western States and Israel with the racist régime of South Africa in the nuclear field,

Regretting that the Security Council has not been in a position to take binding decisions to prevent any collaboration in the nuclear field with South Africa,

Conscious of the continuing need to mobilize world public opinion against the political, military, strategic, economic and other forms of assistance given to the racist régime of South Africa,

1. Reaffirms the inalienable right of the oppressed people of South Africa to self-determination, independence and enjoyment of the natural resources of their territories;

2. Vigorously condemns the assistance rendered by the major Western States and Israel to South Africa in the political, economic, financial and particularly the military field, expresses its conviction that this assistance constitutes a hostile action against the people of South Africa and the neighbouring States, since it is bound to strengthen the military capability of the racist régime, and demands that such assistance be immediately terminated;

3. Condemns the continuing nuclear collaboration of some Western States, Israel and other States with the racist régime of South Africa and urges those States to cease and desist forthwith from supplying South Africa with nuclear equipment and technology which enable it to develop a nuclear weapon capability that threatens peace and international security and obstructs efforts to eliminate apartheid;

4. Notes with appreciation the important measures taken by some Western States, parliamentarians, institutions, trade unions and non-governmental organizations in order to exert pressure on the racist régime of South Africa, and calls upon them to maintain their efforts to force the racist régime to comply with resolutions and decisions of the United Nations on South Africa;

5. Takes note with satisfaction of the disinvestment, trade restrictions and other positive measures taken by some countries and transnational corporations, and urges them to continue in this direction;

6. Notes with dissatisfaction and concern that certain States are taking advantage of the disinvestment measures and trade restrictions imposed by some States on South Africa to increase their own trade relations with that régime;

7. Once again calls upon all Governments that have not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction and control that own and operate enterprises in South Africa with a view to putting a stop to their trading, manufacturing and investing activities in South Africa;

8. Once again calls upon the same Governments to take measures to end all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa and in particular to cease all collaboration with South Africa in the nuclear field;

9. Rejects all policies which encourage the racist régime of South Africa to intensify its repression of the people of South Africa and escalate its acts of aggression against the neighbouring States in defiance of the resolutions and decisions of the United Nations;

10. Calls upon all Governments to maintain sanctions and all forms of pressure against the South African régime until agreement has been reached on transitional arrangements and modalities on the process of drawing up and adopting a new constitution and the holding of elections with a view to achieving an irreversible transition to a united, democratic and non-racial South Africa;

11. Demands that South Africa cease forthwith its acts of aggression and destabilization aimed at undermining the economies and the political institutions of neighbouring States;

12. Appeals to all States, the specialized agencies and regional intergovernmental and non-governmental organizations to extend all possible cooperation to the liberation movements of southern Africa recognized by the United Nations and the Organization of African Unity;

13. Urgently requests all specialized agencies, particularly the International Monetary Fund, to refrain from granting any type of loan or financial assistance to the racist régime of South Africa;

14. Calls upon States, the specialized agencies and regional intergovernmental and non-governmental organizations to continue and intensify their campaign to mobilize international public opinion for the maintenance of economic and other sanctions against the Pretoria régime;

15. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonial régime of South Africa;

16. Reaffirms that the updating of the report of the Special Rapporteur is of the greatest importance to the cause of fighting apartheid and other violations of human rights in South Africa;

17. Invites the Secretary-General to give the updated report the widest dissemination, to issue it as a United Nations publication and to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

18. Calls upon all Governments to cooperate with the Special Rapporteur in making the report even more accurate and informative;

19. Decides to consider the question at its forty-eighth session under the agenda item "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime in South Africa".

47th meeting
1 March 1991
[Adopted by a roll-call vote of 25 to 13, with 3 abstentions. See chap. VI.]

1991/18. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights, *Aware* that, despite progress achieved by the international community with respect to the setting of standards for the realization of economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, the implementation and promotion of these rights and the problems of their realization have not received sufficient attention within the framework of the United Nations system,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international cooperation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for a more vigorous and effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

1. *Welcomes* the contribution of the Committee on Economic, Social and Cultural Rights, which continues to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant;

2. *Encourages* States parties to the International Covenant on Economic, Social and Cultural Rights to give their full support and cooperation to the Committee on Economic, Social and Cultural Rights, *inter alia*, by ensuring that expert representatives are designated for the presentation of States' reports and by the preparation, in consultation with relevant government departments and agencies, of succinct information;

3. Welcomes the adoption by the Committee on Economic, Social and Cultural Rights at its fifth session of thoroughly revised guidelines for reporting by States parties (E/1991/23, annex IV) and expresses the hope that those States will endeavour to comply with the new guidelines to the fullest extent possible;

4. Welcomes the continuing adoption by the Committee on Economic, Social and Cultural Rights of general comments and encourages the Committee to continue using that mechanism to develop a fuller appreciation of the obligations of States parties under the Covenant;

5. Takes note with particular interest of General Comment No. 3 (1990) on the nature of States parties' obligations under the Covenant (E/1991/23, annex III);

6. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and in pursuance of General Comment No. 3 (1990), to consider identifying specific national bench-marks designed to give effect to the minimum core obligation to ensure the satisfaction of minimum essential levels of each of the rights;

7. Affirms that full respect of the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

8. Invites Member States to include measures to ensure the promotion and protection of human rights in national development policies and programmes;

9. Welcomes the decision of the Committee on Economic, Social and Cultural Rights to devote one day at each of its sessions to a general discussion of one specific right or a particular article of the Covenant in order to develop in greater depth its understanding of the relevant issues, and urges States parties, the specialized agencies and non-governmental organizations to contribute actively to the Committee's work through the various opportunities provided for in both written statements and oral interventions;

10. Takes note of the decision of the Committee on Economic, Social and Cultural Rights to hold a day at its sixth session to study the question of social and economic indicators (see E/1991/23, para. 273) and the recommendation for the organization of a seminar on this same question made by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in his progress report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1990/19, para. 220 (a));

11. *Requests* the Secretary-General to organize, under the United Nations programme of human rights activities in 1992-1993, an expert seminar for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights;

12. *Requests* the Secretary-General to promote coordination between the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

13. *Endorses* the view expressed by the Committee on Economic, Social and Cultural Rights that a series of national workshops should be organized by the Secretary-General in order to promote a better understanding of the Covenant and its implications (E/1991/23, para. 267);

14. *Urges* the Economic and Social Council, in reviewing its activities pursuant to General Assembly resolution 41/213 of 19 December 1986, to bear in mind its central responsibility for effective implementation of the International Covenant on Economic, Social and Cultural Rights, while paying due regard to the distinctive character of the Committee on Economic, Social and Cultural Rights in its capacity as a treaty body;

15. *Invites* the Economic and Social Council, pursuant to article 22 of the Covenant, and taking into account General Comment No. 2 (1990) of the Committee on Economic, Social and Cultural Rights (E/1990/23, annex III), to identify ways in which international cooperation and technical assistance would contribute, particularly in developing countries, to the effective progressive implementation of the rights recognized in the Covenant;

16. *Welcomes* the progress report on the realization of economic, social and cultural rights;

17. *Invites* the Special Rapporteur of the Sub-Commission, when preparing a progress report on problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights, to take into account comments made in the Commission on Human Rights, and requests that in the report priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged;

18. *Decides* to consider issues raised by the present resolution at its forty-eighth session under the agenda item "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

47th meeting
1 March 1991
[Adopted without a vote. See chap. VII.]

1991/19. Respect for the right of everyone to own property alone as well as in association with others

The Commission on Human Rights,

Recalling General Assembly resolution 45/98 of 14 December 1990,

Reaffirming the right of States and their peoples freely to choose and develop their political, social, economic and cultural systems and to determine their laws and regulations,

Recognizing the value of constructive dialogue in the national context on the ways and means by which States can promote the full enjoyment of the right of everyone to own property alone as well as in association with others,

Recognizing also, in this context, the importance of enabling everyone to acquire property, alone or in association with others, by taking practical actions that assist the economic development of developing countries,

Convinced that the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, is of particular significance in fostering widespread enjoyment of other basic human rights and contributes to securing the goals of economic and social development enshrined in the Charter of the United Nations,

Reaffirming, in accordance with article 29 of the Universal Declaration of Human Rights, that, in the exercise of his or her rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society,

1. *Believes* that the consideration by the international community of the right of everyone to own property alone as well as in association with others would benefit from insights contained in a comprehensive study of that right and its relationship to the effective enjoyment of other human rights and fundamental freedoms;

2. *Believes also* that such a study should suggest ways and means to implement the right of everyone to own property alone as well as in association with others, bearing in mind the goals of attaining social justice and fostering the enjoyment of all human rights and fundamental freedoms;

3. *Requests* its Chairman to entrust an independent expert with the task of preparing a study, within the existing resources, on the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributes to the development of individual liberty and initiative, which serve to foster, strengthen and enhance the exercise of

other human rights and fundamental freedoms, and requests that a preliminary report be submitted to the Commission at its forty-eighth session and the final report at its forty-ninth session;

4. Requests the independent expert, in preparing the study, to analyse the right to own property alone as well as in association with others in relation to the following types of property, taking into consideration the question of social justice and the ways to achieve it:

(a) Personal property, including the residence of one's self and family;

(b) Economically productive property, including property associated with agriculture, commerce and industry;

5. Decides to consider the question at its forty-eighth session under the agenda item "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

47th meeting
1 March 1991
[Adopted without a vote. See chap. VII.]

1991/20. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling General Assembly resolution 45/85 of 14 December 1990, Economic and Social Council decision 1990/226 of 25 May 1990 and its own resolution 1990/25 of 27 February 1990, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies, Expressing further concern about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Aware that the General Assembly, in its resolution 45/85, reaffirmed its responsibility to ensure the proper functioning of the said treaty bodies and, in this connection, reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments,

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning,

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Recalling the conclusions and recommendations of the second meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988 (see E/CN.4/1989/62, annex) and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 44/135 of 15 December 1989 and the Commission on Human Rights in its resolution 1989/47 of 6 March 1989,

Taking note of the conclusions and recommendations of the third meeting of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 (see A/45/636, annex, sect. VI),

Taking note with appreciation of the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments prepared by the independent expert pursuant to Commission resolution 1989/47 (A/44/668, annex),

Taking note with appreciation also that the Economic and Social Council, by its decision 1990/226, approved the recommendation of the Commission for computerizing the work of the treaty-monitoring bodies in relation to reporting systems, and requested the Secretary-General to include the annual recurrent cost of the system proposed by the Task Force on Computerization appointed by the Secretary-General (see E/CN.4/1990/39, annex) in the programme budget for the biennium 1992-1993 when the proposed system was expected to become operational,

Noting that the General Assembly, by its resolution 45/85, endorsed the recommendations of the Task Force on Computerization with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by the treaty bodies, and requested the Secretary-General to give high priority to establishing a computerized data base to improve the efficiency and effectiveness of the functioning of the treaty bodies,

1. *Endorses* the continuing efforts aimed at streamlining, rationalizing and otherwise improving reporting procedures by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. *Welcomes* the conclusions and recommendations with regard to the better functioning of the treaty bodies contained in the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments;

3. *Welcomes* the note by the Secretary-General (E/CN.4/1991/71, annex) reporting on the comments by the Human Rights Committee following its review of the study on possible long-term approaches and requests the Secretary-General to report on the comments of the remaining treaty bodies to the Commission on Human Rights at its forty-eighth session;

4. *Endorses* the recommendation of the third meeting of persons chairing the human rights treaty bodies to institutionalize the meetings and requests the General Assembly to take appropriate action to enable these meetings to be held on a biennial basis;

5. *Stresses* the continuing need for consultation and exchange of information between all treaty bodies including the Committee on the Elimination of Discrimination against Women;

6. *Requests* the Secretary-General to give consideration to the proposal endorsed by the second and third meetings of persons chairing the human rights treaty bodies and by the Committee on Economic, Social and Cultural Rights, to establish a committee resource room for the purpose of gathering and facilitating access to the various sources of information that are indispensable for the effective functioning of the various treaty bodies;

7. *Urges* States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

8. *Also urges* all States parties to meet without delay all their financial obligations pursuant to United Nations human rights instruments;

9. *Invites* meetings of States parties to consider ways and means of strengthening the collection of contributions and of making procedures more effective and, if necessary, to reconsider the position of States parties that are substantially in default on their assessed contributions;

10. *Notes* that the General Assembly, in its resolution 45/85, welcomed the fact that the Commission on Human Rights, in its resolution 1990/25, had

noted that the Assembly, in so far as any of the treaty bodies may be experiencing financial difficulties, could consider alleviating these difficulties, inter alia, by the temporary allocation of necessary funds by way of advances out of the regular budget of the United Nations;

11. Recalls the duties of all States parties under United Nations human rights instruments to meet their financial obligations pursuant to such instruments;

12. Notes with interest the recommendation of the third meeting of persons chairing the human rights treaty bodies and by the independent Expert in his report on possible long-term approaches that the General Assembly should, as a matter of the highest priority, ensure the financing of the human rights treaty bodies from the regular budget of the United Nations;

13. Requests the General Assembly to mandate the Secretary-General to take the appropriate steps in order to finance the meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations, when necessary, with the proviso that reimbursement shall eventually be made in every instance from the contributions of States parties to those conventions or from other appropriate sources;

14. Requests the Secretary-General to submit to the General Assembly at its forty-sixth session a report examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies;

15. Reiterates its conviction that in standard-setting every effort should be made to maximize normative consistency and that any new standards should take full account of the factors enumerated in General Assembly resolution 41/120 of 4 December 1986;

16. Urges the Secretary-General to expedite the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting Member States, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

17. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

18. Decides to consider the question on a priority basis at its forty-eighth session under the agenda item "Effective functioning of bodies established pursuant to United Nations human rights instruments".

47th meeting
1 March 1991
[Adopted without a vote. See chap. XVIII.]

1991/21. Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions 1986/4 of 28 February 1986, 1987/14 of 3 March 1987, 1988/9 of 29 February 1988, 1989/5 of 23 February 1989 and 1990/26 of 27 February 1990,

Recalling General Assembly resolutions 33/165 of 20 December 1978, 39/15 of 23 November 1984 and 40/64 A to I of 10 December 1985 as well as Economic and Social Council resolution 1984/42 of 24 May 1984,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by consensus on 14 December 1989 by the General Assembly in its resolution S-16/1 and Assembly resolutions 44/244 of 17 September 1990 and 45/176 A to H of 19 December 1990,

Having considered the report of the Special Committee against Apartheid (A/45/22) and the report of the Secretary-General on progress made in the implementation of the Declaration (A/44/960),

Having examined the final report of the Ad hoc Working Group of Experts on Southern Africa (E/CN.4/1991/10),

Having taken note of the policy pronouncements by President F.W. De Klerk on 1 February 1991 in which, inter alia, he announced the intention of his Government to repeal the Land Acts of 1913 and 1936, the Group Areas Act of 1966 and the Population Registration Act of 1950, which are among the pillars of the policy of apartheid,

Concerned that other discriminatory and oppressive legislation such as the Homelands Act and the Bantu Education Act have not yet been addressed, that the commitment to amend the Internal Security Act has not yet been fulfilled and that appropriate legal and constitutional provisions for the transition to majority rule remain to be negotiated,

Noting that while some political prisoners have been released, political organizations have been unbanned, the Separate Amenities Act has been repealed and the state of emergency has been lifted, the Government of South Africa is yet to release all other political prisoners, including detainees as well as those sentenced to death, and to permit the unconditional return of political exiles to meet the conditions for broad-based negotiations for a peaceful change in South Africa,

Convinced that the total eradication of apartheid and the establishment, through broad-based negotiations, of a non-racial, democratic and united South Africa in accordance with the Charter of the United Nations and relevant United Nations resolutions can lead to a peaceful and lasting solution to the racial and political problems facing South Africa under apartheid, *Gravely concerned* by the continued detentions without trial, the continued possibility of executions of political prisoners, and the widespread violence aggravated by elements of the security organs and political extremists who threaten the peaceful process of change in South Africa,

Commending the efforts of liberation movements and other mass organizations to forge unity and mobilize constructively the determination of peoples to eliminate apartheid,

Deeply concerned by the continuing adverse effects of the acts of aggression and destabilization that have been committed by South Africa against neighbouring independent African States, in particular against Angola and Mozambique,

Reiterating its conviction that apartheid constitutes a threat to peace and security and that it is the responsibility of the United Nations and the international community as a whole to maintain all necessary measures against the Government of South Africa to eradicate apartheid totally,

Encouraging the international community to adhere strictly to the Programme of Action contained in the Declaration on Apartheid and its Destructive Consequences in Southern Africa,

1. *Congratulates* the *Ad Hoc* Working Group of Experts on Southern Africa on the commendable and impartial manner in which it has prepared its report, and adopts the report;

2. *Condemns* the violations of civil, political, economic, social and cultural human rights which are still going on under the system of apartheid in South Africa;

3. *Reaffirms* the right of the people of South Africa to eradicate apartheid and to participate fully in the transition to a democratic and elected government and administration based on a universal equal and non-racial franchise;

4. *Further reaffirms* the international consensus in condemning the policy of apartheid and demanding its abolition as expressed in the Declaration on Apartheid and its Destructive Consequences in Southern Africa;

5. *Commends* the positive changes which took place in South Africa in 1990 under President F.W. De Klerk by which some political prisoners were released, political organizations were unbanned, the state of emergency was lifted and the Separate Amenities Act was repealed;

6. *Takes note* of the recent major policy pronouncement by the Government of South Africa to repeal some of the entrenched and basic discriminatory acts underpinning the system of apartheid and urges the Government of South Africa to implement the declared intentions fully and speedily;

7. *Urges* the Government of South Africa to repeal all discriminatory and repressive legislations under apartheid without delay or exception and proceed to negotiate in good faith for a democratic non-racial government with the representatives of the people;

8. *Calls upon* the Government of South Africa to fulfil the commitment to release all political prisoners and detainees, to permit the unconditional return of political exiles and to repeal all the repressive provisions of the Internal Security Act;

9. *Further calls upon* the Government of South Africa and all parties concerned to promote the necessary atmosphere for negotiations by containing intercommunal violence aggravated by elements opposed to the democratic transformation of South Africa;

10. *Supports* the efforts of the liberation movements and all mass organizations in South Africa to dismantle apartheid and urges them to join together in negotiating a peaceful transition to a non-racial democratic order;

11. *Further calls upon* the Government of South Africa to negotiate an agreement with all parties on transitional arrangements and modalities on the process of drawing up and adopting a new constitution for the transition to a democratic order, including the holding of elections;

12. *Reaffirms* that the acts of destabilization of neighbouring States by South Africa through direct aggression, sponsorship of surrogates and economic subversion have caused widespread destruction and suffering in the region and must not happen again and that their effects should be addressed by the international community;

13. *Commends* the front-line and other neighbouring States for their steadfast moral, political and material support to the liberation struggle in South Africa to end apartheid;

14. *Calls upon* the international community to render all possible assistance to the front-line States to rebuild their economic and social infrastructures and to rehabilitate people displaced as a result of past acts of aggression and destabilization of South Africa;

15. *Further calls upon* the international community to assist regional efforts to resolve conflicts, promote national reconciliation and establish lasting peace in southern Africa;

16. *Urges* all States, intergovernmental organizations and non-governmental organizations to continue to increase their support for the legitimate struggle of the South African people to dismantle apartheid and to provide economic, educational, humanitarian and other assistance to the victims of apartheid;

17. Calls upon all Governments and intergovernmental organizations to maintain measures, including sanctions, against the Government of South Africa and to adhere strictly to the Programme of Action contained in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, aimed at the promotion of profound and irreversible change;

18. Further calls upon the international community to maintain all necessary measures against South Africa in order to create a climate conducive to negotiations in which all the parties concerned will agree on transitional arrangements to a democratic order, including modalities for a new constitution and the holding of elections;

19. Reiterates the call on all Governments to observe fully the mandatory arms embargo and the request to the Security Council to monitor effectively the strict implementation of the arms embargo against South Africa, as decided in Security Council resolution 418 (1977) of 4 November 1977;

20. Decides to renew for a further period of two years the mandate of the Ad Hoc Working Group of Experts on Southern Africa, composed of the following experts acting in their personal capacity: Mr. Felix Ermacora (Austria), Mr. Mulka Govinda Reddy (India), Mr. Elly Elikunda E. Mtango (United Republic of Tanzania), Mr. Leliel Mikuin Balanda (Zaire), Mr. Armando Entralgo (Cuba) and Mr. Zoran Pajic (Yugoslavia);

21 Requests the Ad Hoc Working Group of Experts to continue, in cooperation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, as well as infringements of trade union rights;

22. Requests the Ad Hoc Working Group of Experts to submit its interim report to the Commission at its forty-eighth session and its final report at its forty-ninth session;

23. Requests the Ad Hoc Working Group of Experts to submit a brief preliminary report to the General Assembly at its forty-sixth and forty-seventh sessions;

24. Renews its request to the Government of South Africa to allow the Ad Hoc Working Group of Experts to visit South Africa to gather information from individuals and organizations in order to ascertain the situation of human rights in South Africa, in such a manner that:

(a) The Ad Hoc Working Group of Experts would be guaranteed free and confidential access to any individual, organization, prisoner or ex-prisoner, detainee or ex-detainee;

(b) The Government of South Africa would provide a firm undertaking that any person or organization providing evidence would be granted immunity from any State action as a result thereof.

47th meeting
1 March 1991
[Adopted without a vote. See chap. V.]

1991/22. Coordinating role of the Centre for Human Rights

The Commission on Human Rights,

Recalling its resolution 1989/54 of 7 March 1989, as well as Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/2 of 25 August 1988,

Bearing in mind General Assembly resolutions 45/125 of 14 December 1990 and 45/180 of 21 December 1990,

Recalling the report of the Commission on Human Rights to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), which was adopted without a vote by the Commission at its 56th meeting, on 10 March 1988,

Recalling also that, in paragraph 30 of the above-mentioned report, the Commission reaffirmed that "the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity, and is convinced that this is compatible with the principle of equitable geographical distribution",

Further reaffirming that no post should be considered the exclusive preserve of any Member State or group of States,

Considering it essential that, in the context of the general financial situation of the United Nations, sufficient resources commensurate with the high priority attributed to the programme should be allocated to human rights, in particular to the Centre for Human Rights, and further stating that organizational changes, including staffing reviews and adjustments of the programme activities or resource allocation, should not adversely affect the functioning of the Centre but should rather strengthen its status and enhance its role,

1. Supports the efforts of the Secretary-General to enhance the role and importance of the Centre for Human Rights as a coordinating unit in the system of bodies dealing with the promotion and protection of human rights;

2. _Reaffirms_ the importance of the principle set out in Article 101, paragraph 3, of the Charter of the United Nations;

3. _Invites again_ the Secretary-General to request Governments, the specialized agencies and intergovernmental and non-governmental organizations to express their views on the strengthening of the activities of the Centre for Human Rights, with special emphasis on new directions and forms, including increasing the representation of under-represented groups of States, notably the developing countries, in senior and policy-formulating posts in the Centre, while safeguarding the principle of equitable geographical distribution, in accordance with the relevant resolutions of the General Assembly, particularly resolution 45/125 on the improvement of the status of women in the Secretariat, and to submit a report setting out those views and opinions to the Commission at its forty-eighth session;

4. _Decides_ to discuss the question of the coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights at its forty-eighth session as a new sub-item under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

1991/23. _Developments relating to the activities of the Centre for Human Rights_

The Commission on Human Rights,

Recalling General Assembly resolution 45/180 of 21 December 1990 and Economic and Social Council resolution 1990/47 of 25 May 1990 as well as its own resolutions 1989/46 of 6 March 1989, 1989/54 of 7 March 1989 and 1990/25 of 27 February 1990,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations, an issue of the utmost importance for the Organization,

Recalling the statement of the Secretary-General in his annual report to the forty-fifth session of the General Assembly, in which he noted that human rights have become a dominant concern (see A/45/1, p. 20),

Recognizing the important role of the Centre for Human Rights in the promotion, protection and implementation of human rights and the need to provide sufficient human resources to the Centre, particularly in view of the fact that its work-load has greatly increased while resources have failed to keep pace with the expansion of its responsibilities, as noted in various reports of the Secretary-General (E/1990/50 and A/45/807),

Recalling its decision 1990/112 of 7 March 1990 on the in-depth evaluation of the human rights programme,

Recalling also that the Commission, in paragraph 30 of its report (E/CN.4/1988/85 and Corr.1) to the Special Commission of the Economic and Social Council, reaffirmed that "the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity, and is convinced that this is compatible with the principle of equitable geographical distribution", and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations,

1. *Welcomes* General Assembly resolution 45/248 B, section V, of 21 December 1990, providing interim measures in terms of additional human resources for the Centre for Human Rights, and expresses the wish that these measures be implemented as soon as possible;

2. *Reiterates its concern* that programme and resource proposals for long-term solutions responding to the needs of the Centre for Human Rights and commensurate with its work-load be included in the outline of the proposed programme budget for the biennium 1992-93;

3. *Requests* the Secretary-General to submit, through the Economic and Social Council, a report on developments relating to the Centre for Human Rights, to the forty-sixth session of the General Assembly;

4. *Decides* to reconsider the question at its forty-eighth session.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

1991/24. *Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights*

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms, *Recalling* previous General Assembly resolutions on this subject, in particular resolutions 43/128 of 8 December 1988, 44/61 of 8 December 1989 and 45/99 of 14 December 1990, as well as its own resolutions 1989/53 of 7 March 1989 and 1990/72 of 7 March 1990,

Recognizing the catalytic effect of United Nations initiatives on national and regional public information activities in the field of human rights,

Recognizing also the valuable role that non-governmental organizations can play in these endeavours,

Believing that a world public information campaign on human rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights worldwide,

1. *Takes note with appreciation* of the note by the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1991/22), in particular information about costs incurred and envisaged as well as the assessment of the effectiveness of the activities of the World Public Information Campaign for Human Rights; and supports the general thrust of the proposed programme of implementation of the World Campaign;

2. *Appreciates* the measures taken by the Secretariat to ensure the further production and effective dissemination of human rights information material in national and local languages, in cooperation with regional, national and local organizations as well as with Governments, making full and effective use of the United Nations information centres;

3. *Requests* the Secretary-General to ensure that recent periodic reports of States parties to treaty monitoring bodies and the summary records of discussion of them in the treaty bodies be available in the United Nations information centres of the countries which have submitted these reports;

4. *Notes* that the note by the Secretary-General does not contain information relative to the situation of documentation on human rights at each United Nations information centre, as requested in paragraph 4 of Commission resolution 1990/72, and reiterates the need for establishing, within available resources, the collection of basic United Nations information and reference material on human rights and fundamental freedoms at each United Nations information centre;

5. *Encourages* all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, and to accord priority to the dissemination, in their respective national and local languages, of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments, and to information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

6. Urges all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues, bearing in mind the availability of the teaching booklet published by the Centre for Human Rights, encourages all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes, and encourages the efforts of the Centre for Human Rights to develop a manual for higher education in the field of human rights, in cooperation with the United Nations Educational, Scientific and Cultural Organization and, to that end, to organize a meeting of experts in the course of 1991;

7. Notes the special value, under the advisory services and technical assistance programme, of regional and national training courses and workshops in promoting practical education and awareness in the field of human rights;

8. Requests the Secretary-General to make provision for increased resources available for activities within the framework of the World Public Information Campaign for Human Rights as part of the proposed budget for 1992-1993 intended to strengthen the Centre for Human Rights;

9. Requests the Department of Public Information of the Secretariat to make full use of its available resources in the field of human rights, to produce audio-visual material on human rights issues that could be used as effective tools of information within the framework of the World Public Information Campaign for Human Rights, as specifically requested in paragraph 4 of General Assembly resolution 45/99; to increase the print-run of the information and reference material produced by the United Nations, in particular the Fact Sheet series, for world-wide distribution, and to ensure the availability of the Universal Declaration of Human Rights in both official and non-official languages and in sufficient quantities at United Nations information centres worldwide;

10. Requests the Centre for Human Rights to coordinate as necessary, taking fully into account General Assembly resolution 43/128 and, in particular, the primary role assigned to the Department of Public Information in its own field of competence, the relevant activities of the World Campaign within the United Nations system, and to maintain liaison with Governments, regional and national institutions and individuals concerned in the development and implementation of those activities;

11. Stresses the need for close cooperation between the Centre for Human Rights and the Department of Public Information, inter alia, in the implementation of the aims established for the World Campaign;

12. Requests the Secretary-General to take advantage as much as possible, in the implementation of the World Campaign, of the collaboration of non-governmental organizations, including in the dissemination of human rights material, with a view to increasing universal awareness of human rights and fundamental freedoms;

13. Emphasizes the need for the United Nations to harmonize its public information activities in the field of human rights with organizations such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees in relation to the dissemination of information on international humanitarian law and, with regard to education for human rights, the United Nations Educational, Scientific and Cultural Organization, and appreciates the efforts made by the Centre for Human Rights to this effect;

14. Requests the Secretary-General to submit to the Commission, at its forty-eighth session, a report on public information activities with special emphasis on the activities of the World Campaign, including details of the costs incurred in 1991 and the budget envisaged for future activities, as well as a further assessment of the impact of the World Campaign activities undertaken by the United Nations in the field of human rights;

15. Decides to continue its consideration of the question at its forty-eighth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

1991/25. Internally displaced persons

The Commission on Human Rights,

Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Welcoming Economic and Social Council resolution 1990/78 of 27 July 1990,

Disturbed by the high numbers of internally displaced persons suffering throughout the world, who have been forced to flee their homes and seek shelter and safety in other parts of their own country,

Concerned at the serious problems encountered by internally displaced persons and the lack of humanitarian assistance,

1. Invites all Governments and international organizations to intensify their cooperation and assistance in world-wide efforts to address the serious problems and needs resulting from internal displacement;

2. Requests the Secretary-General to take into account the protection of human rights and the needs of internally displaced persons in his system-wide review aimed at ensuring an effective response by the United Nations system to the problems of refugees, displaced persons and returnees;

3. Stresses the importance of strict adherence by States parties to their obligations under international human rights instruments and international humanitarian law;

4. Requests the Secretary-General to submit to the Commission at its forty-eighth session an analytical report on internally displaced persons, taking into account the protection of human rights of internally displaced persons, based on information submitted by Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross and non-governmental organizations;

5. Decides to consider this matter at its forty-eighth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

1991/26. International cooperation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms

The Commission on Human Rights,

Recalling General Assembly resolutions 41/155 of 4 December 1986, 43/155 of 8 December 1988, 45/102 of 14 December 1990 and 45/163 of 18 December 1990 and its own resolutions 1987/42 of 10 March 1987 and 1989/49 of 7 March 1989,

Conscious that it is a purpose of the United Nations and the pledge of all Member States to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Desirous of achieving further progress in promoting and encouraging respect for human rights and fundamental freedoms, *Considering* that special emphasis should be put on the effective implementation of the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments,

Convinced that the effectiveness of United Nations human rights instruments would be enhanced by universal adherence to them as well as by strict compliance of States parties with their obligations,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is essential for monitoring the implementation of such instruments including the consideration of periodic reports of States parties,

Stressing that the special rapporteurs and other fact-finding and monitoring mechanisms established by the Commission on Human Rights are one of the key elements in analysing, reporting and monitoring human rights which are essential for the promotion and protection of human rights and fundamental freedoms in all countries,

Considering that existing regional arrangements for the promotion and protection of human rights make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field, as well as human rights teaching, could be further improved,

Noting with satisfaction the results of the meeting held in Paris from 30 May to 23 June 1989 of the Heads of State or Government of the States participating in the Conference on Security and Cooperation in Europe, especially the commitments of participating States in the human rights and humanitarian and related fields,

Emphasizing the necessity for the international community to continue its efforts to take practical measures to prevent mass and flagrant violations as well as all other violations of human rights, including all forms of discrimination based on distinctions of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, which continue to take place in many parts of the world, contrary to the provisions of international instruments in the field of human rights,

Noting the importance that the promotion and protection of human rights have acquired on the international agenda and in relations between States,

1. *Calls upon* Member States to implement fully the universally recognized international standards for the promotion and protection of human rights enshrined, in particular, in the Charter of the United Nations,

the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments;

2. Supports the efforts of the Secretary-General to enhance the role and importance of the Centre for Human Rights as a coordinating unit in the system of bodies dealing with the promotion and protection of human rights;

3. Urges all States to cooperate fully with the relevant organizations of the United Nations system and other intergovernmental forums dealing with the promotion and protection of human rights and fundamental freedoms in any part of the world;

4. Invites all Governments to cooperate closely with special rapporteurs appointed by the Commission on Human Rights;

5. Emphasizes the need to increase the effectiveness and objective contribution of the mechanisms established by the Commission and to make constant improvements in the procedures;

6. Considers that such cooperation will make an effective and practical contribution to the implementation of human rights and fundamental freedoms for all;

7. Expresses its conviction that the promotion of and respect for human rights and fundamental freedoms, as well as the implementation of universally recognized human rights standards, are particularly important for all countries;

8. Urges Member States that have not yet done so to consider ratifying or acceding to the various international instruments in the field of human rights;

9. Recognizes the value of common efforts by Governments and intergovernmental and non-governmental organizations at international, regional, bilateral and national levels in the field of human rights;

10. Considers that the results of the meeting held in Paris of the Heads of State or Government of the States participating in the Conference on Security and Cooperation in Europe contribute to enhanced respect for and observance of human rights and international cooperation in the promotion of human rights and in humanitarian and related fields;

11. Considers that the World Public Information Campaign on Human Rights, launched by the General Assembly in its resolution 43/128 of 8 December 1988, contributes to the promotion and improvement of understanding of human rights;

12. _Emphasizes_ that the wide dissemination of information on human rights and the teaching of human rights are important tasks and would contribute to the implementation of universally recognized international human rights standards;

13. _Reaffirms_ the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of maintaining their independence and integrity;

14. _Invites_ all States and international organizations to submit to the Secretary-General their comments and views on ways and means of strengthening international cooperation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for and observance of human rights and fundamental freedoms, for consideration by the Commission at its forty-eighth session.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

1991/27. _National institutions for the promotion and protection of human rights_

The Commission on Human Rights,

Recalling its relevant resolutions and those of the General Assembly, notably General Assembly resolution 44/64 of 8 December 1989 and its resolution 1990/73 of 7 March 1990,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the important role that can be played by institutions at the national level in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play a catalytic role in assisting the development of national institutions, Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the promotion and protection of human rights, endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Welcoming the holding from 7 to 11 May 1990 in Manila of an Asian-Pacific regional workshop under the auspices of the United Nations which considered, inter alia, the experience of different regions and countries in the establishment of regional or national institutions for the promotion and protection of human rights,

Noting with appreciation the active and constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States,

1. Takes note with satisfaction of the updated report of the Secretary-General on national institutions for the promotion and protection of human rights prepared in accordance with General Assembly resolution 44/64 (E/CN.4/1991/23 and Add.1) and encourages States to study its contents;

2. Reaffirms the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of maintaining their independence and integrity;

3. Takes note of the progress made in this area in the past few years and of the increased number and effectiveness of national institutions for the promotion and protection of human rights in all parts of the world as well as of the efforts of the Centre for Human Rights to increase cooperation with regional and national institutions;

4. Encourages initiatives on the part of Governments and regional, international, intergovernmental and non-governmental organizations intended to strengthen existing national institutions and to establish such institutions where they do not exist;

5. Requests the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions, particularly in the fields of advisory services and technical assistance and of information and education, not least within the framework of the World Public Information Campaign for Human Rights which the General Assembly decided to launch by its resolution 43/128 of 8 December 1988;

6. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and operation of such national institutions;

7. *Affirms* the role of national institutions as agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;

8. *Recognizes* the constructive role that non-governmental organizations can play in relation to national institutions;

9. *Welcomes* the decision of the Secretary-General to convene a workshop in 1991, as requested in Commission resolution 1990/73;

10. *Requests* the Secretary-General to publicize the proceedings of that meeting and to make use of their results in the finalization of the manual on national institutions under preparation by the Centre for Human Rights;

11. *Decides* to continue its consideration of this question at its forty-eighth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

1991/28. *Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region*

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988, and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian-Pacific region,

Recalling also its resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989 and 1990/71 of 7 March 1990,

Noting Economic and Social Commission for Asia and the Pacific resolution 45/2 of 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Recognizing the valuable contribution that could be made by national institutions in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations may have a valuable role to play in this process, Noting the value of the Seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, held at Colombo in 1982 (A/37/422, annex), and the training course of human rights teaching held at Bangkok in 1987 under the United Nations programme of advisory services in the field of human rights (E/CN.4/1988/39/Add.1),

1. Takes note of the report of the Secretary-General (E/CN.4/1991/21 and Add.1);

2. Requests the Secretary-General to ensure a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and the Pacific;

3. Encourages all Economic and Social Commission for Asia and the Pacific member States, associate Members and other parties to make full use of the depositary centre of that organization;

4. Encourages once again United Nations development agencies in the Asian-Pacific region to coordinate with the Economic and Social Commission for Asia and the Pacific in their efforts to promote the human rights dimension in their activities;

5. Welcomes the holding of the first Asian-Pacific regional workshop on various human rights issues, including regional and national institutions and arrangements for the promotion and protection of human rights, held in Manila from 7 to 11 May 1990, the Seminar/Workshop on Human Rights for public officials of the countries of the South Pacific held in Rarotonga, the Cook Islands, from 21 to 23 November 1990, the World Congress on Human Rights held in New Delhi from 10 to 15 December 1990 and the National Seminar on Human Rights held in Jakarta on 21 and 22 January 1991;

6. Encourages all States in the region to further consider the establishment of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region and, in this regard, requests the Secretary-General to organize, within existing resources, a seminar to discuss this matter;

7. Appeals to all Governments in the region to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services and technical assistance in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

8. Encourages all States in the region to consider ratifying or acceding to the various human rights instruments;

9. Requests the Secretary-General to consult the States in the Asian-Pacific region on the widest possible basis in the implementation of the present resolution;

10. Also requests the Secretary-General to submit to the Commission at its forty-eighth session a further report incorporating information on the progress achieved in the implementation of the present resolution;

11. Decides to continue its consideration of the question at its forty-eighth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

1991/29. Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers

The Commission on Human Rights,

Recalling its resolution 1990/75 of 7 March 1990,

Deeply concerned at the persistent acts of violence committed in many countries by armed groups that spread terror among the population and by drug traffickers, frequently acting together,

Recalling that such acts prevent the unimpeded exercise of civil and political rights, such as participation in free elections, the right to peaceful assembly, freedom of association and trade union rights, as well as the exercise of economic, social and cultural rights, affecting adversely the well-being of peoples and causing severe damage to economic infrastructure and production of countries,

Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Covenants on Human Rights,

Acknowledging the invaluable contribution made by non-governmental organizations to the constant monitoring of all matters related to human rights and fundamental freedoms, *Reiterating emphatically* that all international obligations relating to the promotion and protection of human rights and fundamental freedoms must be honoured at all times,

1. *Reiterates its deep concern* at the adverse effect, on the enjoyment of human rights, of persistent acts of violence committed in many countries by armed groups, regardless of their origin, that spread terror among the population, and by drug traffickers;

2. *Requests* all special rapporteurs and working groups to continue paying particular attention to the adverse effect on the enjoyment of human rights of such acts of violence committed by armed groups, regardless of their origin, that spread terror among the population, and by drug traffickers, in their forthcoming reports to the Commission on the situation of human rights in those countries where such acts of violence occur;

3. *Encourages* non-governmental organizations to bear in mind the adverse effect, on the enjoyment of human rights, of the acts of violence committed in many countries by armed groups, regardless of their origin, that spread terror among the population, and by drug traffickers;

4. *Requests* the Secretary-General to continue collecting information on this question from all relevant sources and to make it available to the special rapporteurs and working groups concerned for their consideration;

5. *Decides* to continue considering the question as a matter of high priority at its forty-eighth session.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

1991/30. *World Conference on Human Rights*

The Commission on Human Rights,

Bearing in mind the objectives of the Charter of the United Nations and the Universal Declaration of Human Rights to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Guided by the principles governing its mandate as the body responsible, *inter alia*, for considering all aspects of human rights calling for the active participation of all members of the international community, _Considering_ that, under the Charter of the United Nations and other international human rights instruments, all States have an obligation to promote international cooperation for the promotion, effective implementation and protection of all human rights and fundamental freedoms and to create the best possible conditions so that everyone may enjoy these rights and freedoms, which are and remain indivisible and interrelated,

Recalling the historic developments which have taken place in international relations since the International Conference on Human Rights held in Tehran in 1968, and in particular the increasing importance that is universally being attached to the promotion, effective implementation and protection of all human rights,

Aware that respect for human rights throughout the world calls for further intensification of the efforts of the world community and international bodies and for appropriate initiatives at the international, regional and national levels,

Recalling its decision 1990/110 of 7 March 1990 relating to the World Conference on Human Rights,

Recalling General Assembly resolution 45/155 of 18 December 1990 by which the Assembly decided to convene in 1993 a World Conference on Human Rights and requested the Commission on Human Rights to make recommendations to the Preparatory Committee for the World Conference on issues of concern to it,

1. _Welcomes_ the unanimous decision of the General Assembly to convene a World Conference on Human Rights at a high level in 1993;

2. _Recognizes_ the importance of the holding of a World Conference on Human Rights for the effectiveness of joint action by the United Nations and Member States to guarantee through international cooperation the promotion, effective implementation, protection and defence of all human rights;

3. _Welcomes_ the appointment of the Under-Secretary-General for Human Rights as Secretary-General of the World Conference;

4. _Appeals_ to all States Members of the United Nations, members of the specialized agencies and observers to take part, in accordance with the practice of the General Assembly, in the Preparatory Committee for the World Conference on Human Rights in order to help to create the necessary conditions for the success of the World Conference;

5. _Recommends_ its Chairman, the chairpersons or other designated members of human rights bodies, including the persons chairing the bodies established under international human rights instruments or their designated representatives, as well as special and thematic rapporteurs and the chairpersons or designated members of working groups to contribute to the preparations for the World Conference by taking part as appropriate in the work of the Preparatory Committee;

6. *Recommends* its Chairman to inform the Preparatory Committee of the debate on the World Conference that took place at the forty-seventh session of the Commission, and in particular of the contents of the present resolution and its annex, and to make available to it a summary of the discussions;

7. *Recommends* the Secretary-General of the World Conference on Human Rights to convene the first meeting of the Preparatory Committee in Geneva, from 9 to 13 September 1991;

8. *Requests* the Secretary-General of the World Conference to arrange for informal consultations among all Member States one working day before the first meeting of the Preparatory Committee in order to prepare for the election of the five officers of the Committee with due regard for equitable geographical representation, in accordance with General Assembly resolution 45/155;

9. *Also recommends* that the rules of procedure governing the meetings of the Preparatory Committee should in so far as applicable be those of the functional commissions of the Economic and Social Council;

10. *Recommends* the Preparatory Committee to prepare the draft rules of procedure for the World Conference on the basis of the standard rules of procedure for United Nations conferences;

11. *Recommends* to the Secretary-General of the World Conference to draw up the provisional agenda and the programme of work of the Preparatory Committee on the basis of General Assembly resolution 45/155;

12. *Recommends* the Preparatory Committee, when discussing the agenda for the World Conference, to base its work on the objectives outlined in paragraph 1 of General Assembly resolution 45/155, the recommendations annexed to the present resolution and any other guidelines that may be adopted by the General Assembly;

13. *Recommends* the Secretary-General of the World Conference to make suggestions to the Preparatory Committee as regards background documentation, including reference material on sources of information in the field of human rights;

14. *Requests* the Secretary-General to invite contributions of extrabudgetary resources to meet, *inter alia*, the costs of participation by representatives of the least developed countries in the preparatory meetings and the World Conference itself, in conformity with paragraph 7 of General Assembly resolution 45/155;

15. *Takes note with appreciation* of the offers made by certain States to host the World Conference;

16. Requests the Secretary-General of the United Nations to report to the Commission at its forty-eighth session on progress in the preparations for the World Conference;

17. Decides to consider the question at its forty-eighth session, under the agenda item "World Conference on Human Rights".

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

ANNEX

Recommendations

1. The Preparatory Committee for the World Conference on Human Rights, being guided by a spirit of consensus, should make suggestions aimed at ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues in United Nations human rights forums.

2. The Preparatory Committee, pursuant to the objectives contained in paragraph 1 of General Assembly resolution 45/155 of 18 December 1990, should keep in view the equal importance and indivisibility of all categories of human rights as well as the interrelationship between human rights, democracy and development in full respect for the Charter of the United Nations, and should take into account relevant resolutions adopted by the Commission on Human Rights at its forty-seventh session.

3. The Preparatory Committee should encourage, by all appropriate means, all States which have not done so, to become parties to international human rights instruments and, in particular, the International Covenants on Human Rights.

4. The Preparatory Committee should consider how the World Conference and its preparatory process can work towards improving implementation of existing human rights standards and instruments, evaluating and formulating concrete recommendations aimed at improving methods and mechanisms used by the United Nations in the field of human rights and ways to minimize duplication wherever possible.

5. The Preparatory Committee should consider the results and further prospects of the World Public Information Campaign for Human Rights.

6. The Preparatory Committee should examine ways and means of evaluating the role of advisory services stressing the need to strengthen the United Nations system of advisory services and technical assistance and emphasizing that these services are based on a cooperative approach aimed at strengthening the respect for human rights and at overcoming obstacles that

impede the full enjoyment of human rights. The Preparatory Committee should also recommend ways and means to encourage States to avail themselves of these services.

7. The Preparatory Committee should consider ways and means of promoting a universal culture of human rights by strengthening cooperation through regional meetings and activities and the encouragement of regional institutions, taking into account conditions specific to different regions, as well as by increasing the impact and presence of the United Nations system, bodies and mechanisms in the field of human rights throughout the world.

8. In order to take into account views in different regions regarding the promotion and protection of human rights, including the implementation of international human rights instruments, the Preparatory Committee should promote and consider means of financing regional meetings and activities, and should also encourage various activities at the national level.

9. The Preparatory Committee should examine ways and means by which the World Conference could encourage the establishment or strengthening of governmental and non-governmental institutions at the national level aiming at the promotion of human rights.

10. The Preparatory Committee should make recommendations to the World Conference regarding further possibilities of improving the implementation of applicable international law through national legislation.

11. The Preparatory Committee should examine ways and means for strengthening the Centre for Human Rights including, _inter alia_, increasing financial support and full application of article 101 (3) of the Charter of the United Nations as well as of Commission on Human Rights resolution 1989/54 of 7 March 1989.

1991/31. _Human rights and thematic procedures_

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to consideration of questions related to the promotion and protection of civil and political rights have earned an important position among its human rights monitoring mechanisms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures,

Recalling its resolution 1990/30 of 2 March 1990, in which it urged the Governments concerned to intensify their cooperation with the Working Group on Enforced or Involuntary Disappearances in regard to any measure taken in pursuance of recommendations addressed to them by the Group, *Recalling also* its resolution 1990/34 of 2 March 1990, in which it requested Governments which had invited the Special Rapporteur on questions relevant to torture to give due consideration to his recommendations,

Recalling further its resolution 1990/51 of 6 March 1990, in which it urged all Governments to cooperate with and assist the Special Rapporteur on summary and arbitrary executions,

Recalling as well its resolution 1990/27 of 2 March 1990, in which it asked all Governments to cooperate with the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief,

1. *Commends* those Governments which have invited any of the thematic Special Rapporteurs or the Working Group on Enforced or Involuntary Disappearances to visit their country;

2. *Encourages* Governments to respond expeditiously to requests for information made to them through the procedures, so that the Special Rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances may carry out their mandate effectively;

3. *Further encourages* Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a Special Rapporteur or the Working Group on Enforced or Involuntary Disappearances to visit their country;

4. *Invites* the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed on the progress made towards their implementation;

5. *Invites* non-governmental organizations to continue their cooperation with the thematic procedures;

6. *Encourages* thematic Special Rapporteurs and the Working Group on Enforced or Involuntary Disappearances to follow closely the progress made by Governments in their investigations carried out within their respective mandates.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XI.]

1991/32. *Right to freedom of opinion and expression*

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall only be such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (*ordre public*), or of public health or morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1983/32 of 6 September 1983,

Recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989, 1989/56 of 7 March 1989 and 1990/32 of 2 March 1990,

Taking note of the preliminary report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11), submitted to the Sub-Commission at its forty-second session by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk,

Recalling Sub-Commission decision 1990/117 of 30 August 1990, in which it took note with appreciation of the preliminary report of the Special Rapporteurs and decided to give priority consideration to the updated report of the Special Rapporteurs at its forty-third session,

Noting the reference in the preliminary report of the Special Rapporteurs of the link between violations of the right to freedom of opinion and expression and violations of other fundamental rights, such as the rights to liberty, security, life, privacy, peaceful assembly, protection against torture, and freedom of movement and religion,

Noting also the importance and relevance to the protection of the right to freedom of opinion and expression of work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights, and welcoming the progress achieved to that end at the current session of the Commission by the Working Group on the subject,

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

1. Expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. Also expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

3. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who seek to promote and defend these rights and freedoms;

4. Welcomes the release of persons detained for exercising these rights and freedoms and encourages further progress in this regard in all parts of the world;

5. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression and the rights to freedom of thought, conscience and religion, association, and to peaceful assembly, and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms and, where any persons have been detained solely for exercising these rights as laid down in the International Covenant on Civil and Political Rights, to release them immediately;

6. Appeals also to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, or harassed;

7. Welcomes the intention of the Special Rapporteurs to study in greater detail measures necessary for the strengthening and promotion of the right to freedom of expression, inter alia, the concept of a democratic

society, the relationship between the right to freedom of opinion and expression and the right to freedom of association and peaceful assembly and the right to take part in Government;

8. *Requests* the Secretary-General to provide the two Special Rapporteurs with all necessary assistance;

9. *Decides* to review the question at its forty-eighth session on the basis, *inter alia*, of the updated report submitted by the Special Rapporteurs to the Sub-Commission at its forty-third session and any decisions adopted by the Sub-Commission in this regard.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/33. *Status of special rapporteurs and representatives, independent experts, members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and members of working groups established by the Commission on Human Rights*

The Commission on Human Rights,

Recalling the advisory opinion of the International Court of Justice, adopted on 15 December 1989, on the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 to special rapporteurs of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities,

Stressing the need for experts on mission for the United Nations to enjoy the necessary privileges and immunities contained in the above-mentioned Convention in order to exercise their functions in a fully independent manner,

Taking note with concern of the updated report of the Secretary-General on the detention of international civil servants and their families (E/CN.4/1991/18),

1. *Requests* the Secretary-General to take the necessary measures in order to ensure that all special rapporteurs and representatives, independent experts, members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and members of working groups established by the Commission on Human Rights be considered as "experts on mission" within the context of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations, and in this regard urges States to comply with their obligations under the Convention;

2. *Requests* the Secretary-General to take the necessary measures in order to ensure the prescribed protection for officials of the United Nations Secretariat accompanying special rapporteurs and representatives, independent experts, members of the Sub-Commission and members of working groups established by the Commission on Human Rights, on field missions, and to report to the Commission on Human Rights at its forty-eighth session on the measures taken in this regard.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/34. *Human rights in the administration of justice*

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights, in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the numerous international instruments concerning the administration of justice which have been adopted by the General Assembly, including the Standard Minimum Rules for the Treatment of Prisoners (adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders), the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex), the Basic Principles on the Independence of the Judiciary (adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders), the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), and the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 37/194, annex),

Calling attention to the Basic Principles on the Role of Lawyers, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Guidelines on the Role of Prosecutors, the Basic Principles for the Treatment of Prisoners, the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the

Protection of Juveniles Deprived of their Liberty, unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (see A/CONF.144/28),

Calling attention also to the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released, adopted unanimously by the Eighth Congress,

Aware of the opportunity offered to States parties to the International Covenant on Civil and Political Rights, if they so wish, to become States parties to its Optional Protocols,

Mindful of the prohibition under article 6 of the International Covenant on Civil and Political Rights of the imposition of the death penalty for crimes committed by persons below 18 years of age,

Noting that the United Nations system continues to give special attention to the elaboration of standards in this field, as mandated by the Economic and Social Council in its resolution 1986/10 of 21 May 1986,

Mindful also of Economic and Social Council resolution 1990/21 of 24 May 1990 on the implementation of United Nations standards and norms in crime prevention and criminal justice,

Expressing the need for further intensified cooperation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat regarding human rights in the administration of justice, and welcoming in this regard the suggestion by the Working Group on Detention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the Secretary-General invite a representative of the Centre for Social Development and Humanitarian Affairs to speak with the group (see E/CN.4/Sub.2/1990/32, para. 29),

Mindful further of the principles contained in General Assembly resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Guided by General Assembly resolution 45/166 of 18 December 1990 on human rights in the administration of justice,

Recalling its resolution 1990/81 of 7 March 1990,

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates once again its call* upon all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures as well as adequate resources to ensure more effective

implementation of these standards, taking into account the recommendations of the General Assembly in its resolution 43/153 of 8 December 1988, for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Again calls upon its subsidiary bodies, including its special rapporteurs and working groups, to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes;

5. Stresses the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under United Nations programmes of advisory services and technical assistance;

6. Emphasizes the importance of appropriate education and public information programmes in the field of human rights which would be geared particularly to those responsible for the administration of justice, and requests the Secretary-General to provide for appropriate action within the framework of the World Public Information Campaign for Human Rights;

7. Takes note with appreciation of the recommendations made by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders relevant to human rights in the field of the administration of justice (see A/CONF.144/28);

8. Requests the Secretary-General to establish a consolidated list of provisions in the various United Nations standards relating to human rights in the administration of justice with a view to drafting model texts for national legislation;

9. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the basis of this consolidated list:

(a) To study the implementation of United Nations norms and standards in this field;

(b) To identify problems that may impinge on the effective implementation of these standards and norms;

(c) To recommend viable solutions with action-oriented proposals to the Commission;

(d) To take the necessary action with a view to elaborating model texts for national legislation for the effective implementation of standards relating to human rights in the administration of justice;

(e) To consider the question of the effectiveness of habeas corpus and similar remedies during states of emergency and to formulate suggestions thereon;

10. Requests the Sub-Commission to report to the Commission at its forty-eighth session on the implementation of the present resolution;

11. Invites the Secretary-General to coordinate these activities of the Sub-Commission with the relevant activities of the Committee on Crime Prevention and Control, and requests the Secretary-General to invite a representative of the Centre for Social Development and Humanitarian Affairs to interchange ideas with the Working Group on Detention of the Sub-Commission;

12. Decides to consider the question of human rights in the administration of justice at its forty-eighth session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/35. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, by which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Bearing in mind its resolution 1990/28 of 2 March 1990 and General Assembly resolution 45/142 of 14 December 1990, _Mindful_ of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) and of the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 37/194, annex), as well as of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Considering the important functions of the Committee against Torture under the Convention,

Recalling its decision, in resolution 1985/33 of 13 March 1985, to appoint a special rapporteur to examine questions relevant to torture, and its subsequent decisions to continue his mandate,

1. _Welcomes_ the report of the Committee against Torture on its third and fourth sessions (A/45/44);

2. _Takes note_ of the report of the Secretary-General (E/CN.4/1991/15) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. _Stresses_ the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention so as to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention;

4. _Requests_ the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

5. _Urges_ all States to become parties to the Convention as a matter of priority;

6. _Invites_ all States ratifying or acceding to the Convention and those States parties that have not yet done so to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention;

7. *Requests* the Secretary-General to continue submitting to the General Assembly and to the Commission on Human Rights annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

8. *Decides* to consider the report of the Secretary-General at its forty-eighth session under the agenda sub-item "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/36. *United Nations Voluntary Fund for Victims of Torture*

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, and Assembly resolution 45/143 of 14 December 1990,

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind its resolution 1990/29 of 2 March 1990,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and their families,

Taking note of the information provided by the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture (A/45/633 and E/CN.4/1991/16),

Noting the statement of the Board of Trustees of the Fund concerning the desirability of receiving contributions from Governments on a regular basis, which, *inter alia*, would prevent the interruption of programmes that the Fund has been instrumental in bringing into existence,

Noting with satisfaction that international centres for rehabilitation of torture victims have been established and play an important role in providing assistance to victims of torture, Noting, in this regard, the collaboration of the Fund with the international centres for rehabilitation,

1. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has carried out;

2. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the Fund;

3. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis;

4. Renews its request to the Secretary-General to transmit to all Governments the appeal of the Commission for contributions to the Fund;

5. Again requests the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia, through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known;

6. Further requests the Secretary-General to keep the Commission informed of the operations of the Fund on an annual basis.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/37. Staff members of the United Nations and of the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1990/31 of 2 March 1990, in which it requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of the United Nations staff members and experts and their families were fully respected, and to submit to the Commission at its forty-seventh session an updated version of the report submitted to it at its forty-fifth session on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Taking note with appreciation of the updated report on the protection of human rights of United Nations staff members, experts and their families prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/30), and of the recommendations contained therein,

Welcoming the decision of the Sub-Commission, in its resolution 1990/20 of 30 August 1990, to invite the Special Rapporteur to continue her study so as to submit to the Sub-Commission at its forty-third session a final version of the aforesaid report as well as practical recommendations for the improvement of the protection of personnel of the United Nations system and their families, including experts and consultants,

Noting the holding of a round-table meeting at the United Nations Office at Geneva, on 10 December 1990, on how to put an end to infringements upon the security and independence of international civil servants, in response to Sub-Commission decision 1990/120 of 30 August 1990, expressing the wish that this problem should be publicized and examined during the commemoration of the forty-second anniversary of the Universal Declaration of Human Rights,

Considering that at a time when the United Nations is being called upon to undertake greater responsibilities in various parts of the world, it is imperative that its staff members be able to perform their duties with the assurance that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provisions of the Charter of the United Nations and other international instruments,

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be held captive or are otherwise unaccounted for,

Noting the need for updated and complete information on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Convinced that a better coordinated and more detailed reporting system, with a better dialogue between the United Nations and the host country, may contribute to a faster solution of cases,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members, *Greatly appreciating* the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

1. *Welcomes* the updated report of the Secretary-General on the detention of international civil servants and their families (E/CN.4/1991/18) submitted pursuant to Commission resolution 1990/31;

2. *Appeals again* to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations and their families;

3. *Requests* the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families are fully respected;

4. *Urges* Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay;

5. *Also urges* Member States to allow medical teams to investigate cases in which the health of staff members, experts and their families who are being detained is reported to have suffered and to permit the necessary medical treatment to be made available;

6. *Calls upon* Member States to allow the representative of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;

7. *Requests* the Secretary-General to submit to the Commission at its forty-eighth session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled since the presentation of the last report, as well as on the implementation of the measures referred to in paragraphs 4 and 5 of the present resolution.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/38. Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Noting with appreciation that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Welcoming the establishment at the regional level, in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, by which it decided to appoint for one year a special rapporteur to examine questions relevant to torture, and all its subsequent resolutions by which that mandate was regularly extended, most recently for another two years by resolution 1990/34 of 2 March 1990, while maintaining the annual reporting cycle,

Noting the continuing exchange of views between the Special Rapporteur and the Committee against Torture established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Noting also that the Special Rapporteur had, together with the Chairman of the Committee against Torture, a meeting on 23 January 1990 with the newly elected European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which has led to continuing contacts,

Aware that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights, *Determined* to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Noting, in this regard, the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988,

Recalling further the conclusions and recommendations of the Special Rapporteur underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989 and 1990/34 of 2 March 1990,

1. *Commends* the Special Rapporteur on his report (E/CN.4/1991/17);

2. *Stresses once again* the repeated conclusions and recommendations of the Special Rapporteur concerning the importance of instituting a system of periodic visits by independent experts to places of detention;

3. *Welcomes*, in this regard, the contacts between the Special Rapporteur and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

4. *Stresses*, in view of the conclusions of the Special Rapporteur, the importance of limiting, and eventually declaring illegal, incommunicado detention under national law, since the great majority of allegations refer to torture practised during incommunicado detention;

5. *Stresses again* the recommendation of the Special Rapporteur that legal provisions should be adopted prescribing that a person shall be given prompt access to a legal counsel after he or she has been arrested and making it obligatory promptly to inform the relatives of an arrested person of both the arrest and the place where the detainee is being held;

6. Also stresses the recommendation of the Special Rapporteur aiming at the organization of proper medical inspections for arrested or detained persons as promptly as possible after their admission to the place of detention and after every transfer to another place of detention;

7. Further stresses the recommendations of the Special Rapporteur that interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or hooding of detainees during interrogation should be absolutely forbidden;

8. Stresses the repeated recommendations of the Special Rapporteur pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals about torture or other severe maltreatment;

9. Endorses the recommendation of the Special Rapporteur that whenever a person is thought to be responsible for acts of torture or severe maltreatment, he or she should be brought to trial and, if found guilty, severely punished;

10. Recalls that it is desirable for Governments and medical associations to take strong action against all persons belonging to the medical profession who have in that capacity had a function in the practice of torture;

11. Calls upon all States to sign and to accede to or ratify as soon as possible the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

12. Emphasizes the importance of training programmes for law and security personnel and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

13. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, the specialized agencies, intergovernmental and non-governmental organizations;

14. Considers it desirable that the Special Rapporteur should continue to have periodic consultations with the Committee against Torture, in particular with a view to establishing the procedures for cooperation and avoiding any overlapping in the activities of the United Nations in combating torture;

15. *Invites* the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

16. *Appeals* to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested, including by reacting properly to his urgent appeals;

17. *Urges* those Governments which have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

18. *Expresses its thanks* to the Governments which invited the Special Rapporteur and requests them to give due consideration to his recommendations and to keep him informed of action taken thereon;

19. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their country so as to enable him to fulfil his mandate even more effectively;

20. *Requests* the Secretary-General to provide all necessary assistance to the Special Rapporteur in order to enable him to submit his report to the Commission at its forty-eighth session.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/39. *Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers*

The Commission on Human Rights,

Guided by the principles embodied in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there shall be no discrimination in the administration of justice,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed, *inter alia*, the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (see A/CONF.144/28), and invited Governments to respect them and to take them into account within the framework of their national legislation and practice, *Recalling also* its resolution 1989/32 of 6 March 1989, by which it expressed its appreciation and thanks to the Special Rapporteur, Mr. L.M. Singhvi, for his study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers and for his draft declaration, and by which it requested that the Sub-Commission on Prevention of Discrimination and Protection of Minorities consider effective means of monitoring the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers,

Recalling further its resolution 1990/33 of 2 March 1990, in which it endorsed Sub-Commission resolution 1989/22 of 31 August 1989, inviting Mr. Louis Joinet to prepare a working paper on means by which the Sub-Commission could monitor the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers, as requested in Commission on Human Rights resolution 1989/32,

Having examined the work done by the Sub-Commission relating to the independence and impartiality of the judiciary and the independence of lawyers,

Having examined also the working paper prepared by Mr. Joinet (E/CN.4/Sub.2/1990/35) in accordance with Sub-Commission resolution 1989/22,

1. *Welcomes* the recommendations made in the working paper on means by which the Sub-Commission on Prevention of Discrimination and Protection of Minorities could monitor the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1990/35, para. 76) which the Sub-Commission endorsed in its resolution 1990/23 of 30 August 1990;

2. *Takes note* of the fact that the General Assembly, in its resolution 45/166, welcomed the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers as described in Sub-Commission resolution 1990/23;

3. *Endorses* the decision of the Sub-Commission to entrust Mr. Joinet with the preparation of that report;

4. *Requests* the Secretary-General to provide Mr. Joinet with all the assistance necessary for the completion of his task;

5. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 9.]

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/40. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement, and protection from arbitrary detention,

Taking account of the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person, and that the taking of hostages is an offence of grave concern to the international community,

Recalling its resolutions 27 (XXXVII) of 11 March 1981, 1986/49 of 12 March 1986, 1987/28 of 10 March 1987, 1988/38 of 8 March 1988, 1989/26 of 6 March 1989 and 1990/36 of 6 March 1990, in which it condemned the taking of any person hostage,

Bearing in mind, inter alia, Security Council resolutions 579 (1985) of 18 December 1985, 618 (1988) of 29 July 1988, 638 (1989) of 31 July 1989 and 674 (1990) of 29 October 1990, as well as the statement made by the President of the Security Council on 28 January 1987 (S/18641), again condemning all cases of hostage-taking,

Considering that the arbitrary detention of persons is an unquestionable violation of human rights,

Alarmed by the number of cases of hostage-taking throughout the world, some of which have been going on for a long time, and by the odious practice they constitute,

Expressing its distress at these unacceptable displays of violence towards innocent victims and at the anxiety and suffering of the families concerned,

1. Affirms that the taking of hostages constitutes a grave violation of human rights, exposing the hostages to privation, hardship, anguish and danger to life and health;

2. Strongly condemns the taking of any persons hostage, whoever is responsible and whatever the circumstances are, whether or not the hostage is chosen at random and whatever his or her nationality;

3. Censures the actions of all persons responsible for taking hostages, whatever their motives, and demands that they should immediately release those they are holding;

4. *Appeals* for the humanitarian action of the International Committee of the Red Cross and its delegates to be respected in all circumstances;

5. *Calls upon* States to take any measures necessary to prevent and punish the taking of hostages and to put an immediate end to cases of abduction and unlawful restraint on their territory;

6. *Requests* the Secretary-General, whenever so requested by a State, to employ all means at his disposal in order to secure the immediate release of persons held hostage;

7. *Decides* to remain seized of the question at its forty-eighth session.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/41. *Question of enforced or involuntary disappearances*

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Convinced of the need to continue the implementation of the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances,

Recalling its resolution 20 (XXXVI) of 29 February 1980, by which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1987/27 of 10 March 1987, 1988/34 of 8 March 1988, 1989/27 of 6 March 1989 and 1990/30 of 2 March 1990,

Recalling also its decision 1986/106 of 13 March 1986, by which it invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to reconsider the question of a declaration against unacknowledged detention of persons,

Recalling further its resolution 1990/76 of 7 March 1990, on cooperation with representatives of United Nations human rights bodies,

Recalling General Assembly resolution 45/165 of 18 December 1990, *Profoundly concerned* at the fact that the practice of enforced or involuntary disappearances is continuing in various regions of the world,

Concerned also at the reports concerning harassment of witnesses of disappearances or relatives of disappeared persons,

Having considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20 and Add.1),

1. *Expresses its appreciation* to the Working Group on Enforced or Involuntary Disappearances for the way in which it has done its work, and thanks the Working Group for submitting to the Commission at its forty-seventh session a report in accordance with its resolution 1990/30;

2. *Takes note* of the report of the Working Group, and thanks it for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;

3. *Requests* the Working Group to report on its work to the Commission at its forty-eighth session and reminds the Working Group of the obligation to discharge its mandate in a discreet and conscientious manner;

4. *Also requests* the Working Group, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to submit to the Commission all appropriate information it deems necessary and all concrete suggestions and recommendations regarding the fulfilment of its task;

5. *Reminds* the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the receipt of communications, their consideration, their evaluation, their transmittal to Governments and the consideration of government replies;

6. *Notes with concern* that some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their country;

7. *Deplores* the fact that, as the Working Group points out in its report, some Governments have not acted on the recommendations contained in the reports by the Working Group concerning them or have not replied to the requests by the Working Group for information on those matters;

8. *Urges* the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to cooperate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to answer expeditiously requests for information addressed to them by the Working Group;

9. *Also urges* the Governments concerned to intensify their cooperation with the Working Group in regard to any measure taken in pursuance of recommendations addressed to them by the Working Group;

10. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

11. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their country, so as to enable the Working Group to fulfil its mandate even more effectively;

12. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced or involuntary disappearances;

13. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries when there is reason to believe that an enforced or involuntary disappearance has occurred in a territory under their jurisdiction;

14. Expresses its profound thanks to the Governments which have cooperated with the Working Group and have responded to its requests for information;

15. Also expresses its profound thanks to the Governments which have invited the Working Group to visit their country, asks them to give all necessary attention to its recommendations and invites them to inform the Working Group of any action they take on the recommendations;

16. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions or holding sessions in countries which would be prepared to receive it;

17. Expresses its satisfaction to the Working Group on Detention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which has completed preparation of the draft declaration on the protection of all persons from enforced or involuntary disappearance (E/CN.4/Sub.2/1990/32, annex);

18. Expresses its thanks to the Sub-Commission, which has finalized the draft and is transmitting it to the Commission;

19. Decides to establish an open-ended inter-sessional working group of the Commission on Human Rights to consider the draft declaration submitted by the Sub-Commission, with a view to its adoption by the Commission at its forty-eighth session;

20. Invites all Governments, the intergovernmental agencies and the non-governmental organizations to participate in the activities of the working group;

21. Requests the working group to meet for a period of two weeks before the forty-eighth session of the Commission;

22. Requests the Secretary-General to invite comments, for consideration by the working group, from Governments, intergovernmental agencies and non-governmental organizations on the draft declaration and to circulate these comments to Governments in advance of the meeting of the Working Group;

23. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to the forty-eighth session of the Commission;

24. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/42. Question of arbitrary detention

The Commission on Human Rights,

Recalling its resolution 1985/16 of 11 March 1985, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse available information concerning the practice of administrative detention without charge or trial, and to make appropriate recommendations on the use of this practice,

Recalling its resolutions 1988/45 of 8 March 1988 and 1989/38 of 6 March 1989, as well as its decision 1990/107 of 7 March 1990,

Reaffirming articles 3, 9 and 10 as well as other relevant provisions of the Universal Declaration of Human Rights,

Taking note of Sub-Commission resolution 1990/22 of 30 August 1990, in which the Sub-Commission expressed its appreciation to Mr. Louis Joinet for the revised report on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1), endorsed the revised recommendations therein, decided to transmit these recommendations to the Commission on Human Rights and invited the Commission to consider the different proposals contained in these recommendations,

Conscious of the interest in giving concrete application to the analysis and recommendations formulated in the report, Recognizing, as Mr. Joinet noted in his recommendations, that since his study was first initiated, the General Assembly has, in its resolution 43/173, of 9 December 1988, adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which also covers administrative detention and that, therefore, there is no longer a purpose in treating administrative detention independently, even if, in certain cases, the procedure of administrative detention gives rise to specific abuses,

Noting the important work carried out in this field by the Centre for Social Development and Humanitarian Affairs of the Secretariat and by the Committee on Crime Prevention and Control,

1. Takes note with appreciation of the analysis and recommendations formulated in the revised report on the practice of administrative detention, submitted by Mr. Louis Joinet to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session;

2. Decides to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned;

3. Decides that the working group, in carrying out its mandate, shall seek and receive information from Governments and intergovernmental and non-governmental organizations, and shall receive information from the individuals concerned, their families or their representatives;

4. Invites the working group to take account, in fulfilling its mandate, of the need to carry out its task with discretion, objectivity and independence;

5. Requests the working group to present a comprehensive report to the Commission at its forty-eighth session;

6. Requests the Secretary-General to provide all necessary assistance to the working group to enable it to accomplish its task;

7. Decides to continue its consideration of the question at its forty-eighth session under the agenda item "Question of human rights of all persons subjected to any form of detention or imprisonment";

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 11.]

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/43. Right to a fair trial

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right of every individual to a fair and public hearing by an independent and impartial tribunal,

Bearing in mind the International Covenant on Civil and Political Rights which reaffirms the equality of all persons before courts and tribunals and the right of everyone to a fair and public hearing,

Noting the fair trial provisions in the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, the European Convention on Human Rights, the Geneva Conventions of 12 August 1949, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling its decision 1990/108 of 7 March 1990, in which it welcomed the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial,

Aware of General Assembly resolution 41/120 of 4 December 1986 regarding the setting of international standards in the field of human rights,

Considering that the availability of a fair trial is essential for the protection of human rights and fundamental freedoms as well as maintaining respect for the inherent dignity of the human person,

Having examined the work done by the Sub-Commission relating to the right to a fair trial,

Having examined also the brief report on the right to a fair trial prepared by Mr. Chernichenko and Mr. Treat (E/CN.4/Sub.2/1990/34), in accordance with Sub-Commission resolution 1989/27 of 1 September 1989,

Welcoming the recommendations made by Mr. Chernichenko and Mr. Treat (E/CN.4/Sub.2/1990/34, sect. VI) and endorsed by the Sub-Commission in its resolution 1990/18 of 30 August 1990,

1. Endorses the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1990/18 to entrust Mr. Stanislav Chernichenko and Mr. William Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening";

2. Requests the Secretary-General to provide the two Special Rapporteurs with all the assistance they may require;

3. *Requests* the two Special Rapporteurs to draft a questionnaire on the right to a fair trial;

4. *Requests* the Secretary-General to transmit the questionnaire with the brief report to Governments, the specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council for their response and comments, and to transmit the responses to the Special Rapporteurs for consideration in connection with their study;

5. *Recommends* the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

52nd meeting
5 March 1991
[Adopted without a vote. See chap. X.]

1991/44. *Human rights and the environment*

The Commission on Human Rights,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Convinced of the paramount importance of the application of science and technology to economic and social progress and to the promotion and enjoyment of human rights and fundamental freedoms,

Aware that increasing environmental degradation caused by the negative influence of scientific and technological development has led in some cases to irreversible changes in the environment, which threaten life-sustaining ecosystems and undermine health, well-being, development prospects and the very survival of life on the planet,

Convinced that the preservation of life-sustaining ecosystems under conditions of rapid scientific and technological development is of vital importance for the protection of the human species and the promotion of human rights,

Aware that poverty and underdevelopment constitute causes of environmental degradation and that therefore efforts towards promoting environmentally sustainable development are essential if everyone is to live in an environment adequate for his or her health and well-being,

Reaffirming that, in accordance with principle 1 of the Declaration of the United Nations Conference on the Human Environment, held in Stockholm from

5 to 16 June 1972, men and women have the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and that they bear a solemn responsibility to protect and improve the environment for present and future generations,

Recalling that, in accordance with the provisions of the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, everyone has the right to an adequate standard of living for his own health and well-being and that of his family and to the continuous improvement of living conditions,

Noting that the States parties to the International Covenant on Economic, Social and Cultural Rights recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and agree, for that purpose, to take the steps necessary for the improvement of all aspects of environmental and industrial hygiene,

Recalling General Assembly resolution 44/228 of 22 December 1989 on a United Nations conference on environment and development, to be held in Brazil in 1992,

Taking note of Commission on Human Rights resolution 1990/41 of 6 March 1990 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/7 of 30 August 1990 and General Assembly resolution 45/94 of 14 December 1990,

1. Recognizes that all individuals are entitled to live in an environment adequate for their health and well-being;

2. Endorses the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1990/7, to entrust Mrs. Fatma Zohra Ksentini, Special Rapporteur, with the task of preparing a study on human rights and the environment;

3. Requests the Secretary-General to invite Governments, the United Nations organs, the specialized agencies and intergovernmental and non-governmental organizations, including indigenous peoples' organizations, to provide Mrs. Ksentini with information relevant for the preparation of her report;

4. Recommends to the Preparatory Committee for the United Nations Conference on Environment and Development that Mrs. Ksentini be invited to participate as an observer at the sessions of the Preparatory Committee and the Conference;

5. Requests the Special Rapporteur to complete a study on human rights and the environment and to submit the relevant report to the Sub-Commission at

its forty-third session with a view to making a timely contribution to the Preparatory Committee of the United Nations Conference on Environment and Development;

6. Recommends to the Economic and Social Council the adoption of the following draft decision:

[For the text, see chap. I, sect. B, draft decision 12]

52nd meeting
5 March 1991
[Adopted by 39 votes to 1, with
1 abstention. See chap. XIV.]

1991/45. Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its previous resolutions on the subject, in particular its resolution 1986/9 of 10 March 1986, in which it invited the United Nations University, in cooperation with other interested academic and research institutions, to study both the positive and the negative impacts of scientific and technological developments on human rights and fundamental freedoms and expressed the hope that the United Nations University would inform the Commission on Human Rights of the results of its study,

1. Takes note with satisfaction of the study by the United Nations University entitled Human Rights and Scientific and Technological Development (United Nations publication, Sales No. E.90.III.A.3) and of its conclusions and recommendations as they are reproduced in the note by the Secretary-General (E/CN.4/1991/38);

2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-fourth session, to consider the study prepared by the United Nations University, in particular the applicability of its recommendations to the work of the United Nations in the field, and to report on any conclusions to the Commission at its forty-ninth session.

52nd meeting
5 March 1991
[Adopted without a vote See chap. XIV.]

1991/46. Question of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care

The Commission on Human Rights,

Mindful of the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and of other relevant instruments, such as the Declaration on the Rights of Disabled Persons (General Assembly resolution 3447 (XXX)) and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Recalling its resolution 10 A (XXXIII) of 11 March 1977, by which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of the protection of persons detained on the grounds of mental ill-health, with a view to formulating guidelines,

Recalling also its resolution 1989/40 of 6 March 1989 and Economic and Social Council resolution 1989/76 of 24 May 1989, by which the Council authorized an open-ended working group of the Commission to examine, revise and simplify as necessary the draft body of principles and guarantees submitted by the Sub-Commission,

Recalling further of its resolution 1990/38 of 6 March 1990 and Economic and Social Council resolution 1990/37 of 25 May 1990, by which the Council authorized the open-ended working group to continue its work with a view to submitting the draft principles and guarantees to the Commission at its forty-seventh session,

Having examined the final report of the open-ended working group (E/CN.4/1991/39), including annex I thereto, which contains the draft, as adopted by the working group, of a body of principles for the protection of persons with mental illness and for the improvement of mental health care, and annex II, which encloses a draft, as adopted by the working group, of a possible introduction to the body of principles,

Noting the recommendation of the working group, in paragraph 23 of its report, that, if the body of principles were in due course adopted by the General Assembly, consideration should be given to publishing the introduction separately for the benefit of Governments and the public at large,

Considering that it would also be desirable that the principles themselves should, when adopted by the General Assembly, be given the widest possible dissemination,

1. Expresses its appreciation for the work achieved by the open-ended working group in the elaboration of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care;

2. Endorses the draft body of principles as submitted by the open-ended working group;

3. Decides to transmit to the General Assembly, through the Economic and Social Council, the draft body of principles as submitted by the open-ended working group as well as the report of the working group;

4. Recommends that, on the adoption by the General Assembly of the draft body of principles, the full text thereof should be given the widest possible dissemination and that the introduction should at the same time be published as an accompanying document for the benefit of Governments and the public at large;

5. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XIV.]

1991/47. Movement and dumping of toxic and dangerous products and wastes

The Commission on Human Rights,

Recalling its resolutions 1989/42 of 6 March 1989 and 1990/43 of 6 March 1990,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989 and 45/13 of 7 November 1990,

Taking note of the report of the Secretary-General (E/CN.4/Sub.2/1990/7) to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session,

Taking into account the Final Act of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted on 22 March 1989 (see UNEP/IG.80/3),

Reaffirming that the movement and dumping of toxic and dangerous products endanger basic human rights such as the right to life and the right to the highest attainable standard of health, Recalling resolution CM/Res.1153 (XLVIII) on dumping of nuclear and industrial wastes in Africa, adopted by the Council of Ministers of the Organization of African Unity at its forty-eighth session and resolution CM/Res.1199(XLIX) on the Global Convention for the Control of Transboundary Movements of Hazardous Wastes, adopted by the Council of Ministers of the Organization of African Unity at its forty-ninth session,

Noting with satisfaction the collaboration between the United Nations Environment Programme and the Organization of African Unity with a view to seeking global solutions to the problems of transboundary movements of hazardous wastes and their safe disposal,

1. Welcomes the adoption of the Bamako Convention on the Ban of the Import of All Forms of Hazardous Wastes into Africa and the Control of Transboundary Movements of Such Wastes Generated in Africa, adopted by the Organization of African Unity Pan-African Conference on Environment and Sustainable Development in Africa, held in Bamako from 23 to 30 January 1991;

2. Appeals to the international community to support African States in their efforts to implement the provisions of the Bamako Convention;

3. Invites the United Nations Environment Programme and the Organization of African Unity to intensify their collaboration on the problems of transboundary movements of hazardous wastes and their disposal;

4. Decides to consider the question of the movement and dumping of toxic and dangerous products and wastes at its forty-ninth session under the agenda item "Human Rights and scientific and technological developments".

52nd meeting
5 March 1991
[Adopted by a roll-call vote of 29 to none,
with 12 abstentions. See chap. XIV.]

1991/48. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 45/136 of 14 December 1990, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the Assembly at its forty-sixth session,

Taking note also of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/23 of 31 August 1989,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Recognizing the valuable contribution that can be made to the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief by activities undertaken on a regional basis,

Recognizing also that religious bodies, non-governmental organizations and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

Recalling that 1991 marks the tenth anniversary of the proclamation by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and that this provides an opportunity to reinforce efforts aimed at the effective implementation of the Declaration,

Recalling that, in its resolution 1990/27 of 2 March 1990, it decided to extend for two years the mandate of the Special Rapporteur of the Commission appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate,

Having carefully examined the report of the Special Rapporteur, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1991/56),

Recalling further that, in its resolution 1990/27, it welcomed with appreciation the working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32), member of the Sub-Commission, which contained a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief, as well as the issues and factors to be considered before any drafting of a further binding international instrument,

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world, as outlined in the aforementioned report of the Special Rapporteur, Believing that further efforts are therefore required in order to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and of discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the forty-seventh session of the Commission;

3. Urges States, in accordance with their respective constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

4. Calls upon States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine, where necessary, the supervision and training of members of law enforcement bodies, civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

5. Urges all States to consider, in the context of the tenth anniversary in 1991 of the proclamation by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, what further measures might be taken at the national and regional levels to promote the effective implementation of the Declaration;

6. Invites the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

7. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief, and to ensure, especially in the context of the tenth anniversary of the proclamation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

8. Invites, therefore, the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration in all official languages of the United Nations and in national languages, and to take all appropriate measures to make the text available for use by the United Nations information centres as well as by other interested bodies;

9. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration, including at the Second International Conference on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, held in Warsaw from 14 to 18 May 1989;

10. Requests the Secretary-General in this context to invite interested non-governmental organizations to consider what further role they could envisage playing in the dissemination of the Declaration in national and local languages;

11. Welcomes Economic and Social Council decision 1990/229 of 25 May 1990, based on the recommendation of the Commission at its forty-sixth session, by which the Council extended for a further two years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration and to recommend remedial measures, as appropriate;

12. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report, and to carry out his work with discretion and independence;

13. Calls upon Governments which have not done so to cooperate with the Special Rapporteur, inter alia, by responding expeditiously to requests for such views and comments and, in this connection, calls especially for the cooperation of the Governments whose failure to respond has been noted in successive reports of the Special Rapporteur;

14. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its forty-eighth session;

15. Requests also the Secretary-General to report to the Commission at its forty-eighth session on measures taken to implement the present resolution;

16. Decides to continue its consideration of the question at its forty-eighth session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XXII.]

1991/49. Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, by which the Assembly established the United Nations programme of advisory services in the field of human rights,

Recalling the establishment by the Secretary-General on 16 November 1987 of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights pursuant to Commission resolution 1987/38 of 10 March 1987 and Economic and Social Council decision 1987/147 of 29 May 1987,

Bearing in mind the appeal made by the Secretary-General on that occasion to Governments and intergovernmental and non-governmental organizations for contributions to the Voluntary Fund,

Noting with satisfaction that several Governments and non-governmental organizations have responded favourably to this appeal,

Mindful of the provisions of General Assembly resolution 926 (X) by which advisory services shall be rendered by the Secretary-General solely at the request of Governments,

Recalling its resolutions 1990/58 and 1990/59 of 7 March 1990,

Taking note with appreciation of the relevant sections of the report of the Secretary-General on advisory services in the field of human rights (E/CN.4/1991/55),

Taking note with interest of the experience gained by the Centre for Human Rights in executing projects under the Voluntary Fund which give priority to activities aiming at building up or strengthening national and regional institutions and infrastructures in the field of human rights,

Bearing in mind the substantial interrelationship between activities under the regular programme of advisory services and projects of technical cooperation financed under the Voluntary Fund,

Noting with satisfaction that within the comprehensive programme of advisory services and technical cooperation a clear distinction will be made between technical cooperation projects financed under the Voluntary Fund and activities under the regular budget of the United Nations,

Taking note with appreciation of the work of the advisory group in the Centre for Human Rights in assisting the Secretary-General to deal with requests submitted by Governments, *Welcoming* the fact that the advisory group is using project guidelines which have been drawn up in conformity with established practices of the United Nations Development Programme,

Taking note with appreciation that the Centre for Human Rights is assuming functions as a focal point and clearing-house for inter-agency coordination with other organizations of the United Nations system,

1. *Expresses its appreciation* to the Secretary-General for the projects realized since the establishment of the Voluntary Fund;

2. *Also expresses its appreciation* to those Governments and non-governmental organizations that have made financial contributions to the Voluntary Fund;

3. *Calls upon* all Governments, intergovernmental and non-governmental organizations and individuals to consider making voluntary contributions for the implementation of projects within the programme of the Voluntary Fund;

4. *Emphasizes* that the objective of the Voluntary Fund is to provide financial support for international cooperation aiming at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improved implementation of international conventions and other international instruments on human rights promulgated by the United Nations, the specialized agencies or regional organizations;

5. *Requests* the Secretary-General to continue to elaborate comprehensive programmes of advisory services and technical co-operation, maintaining a clear distinction between technical cooperation projects financed under the Voluntary Fund and other activities like seminars, fellowships and dissemination of documentation to be financed under the regular budget of the United Nations and within the World Public Information Campaign for Human Rights;

6. *Encourages* the Secretary-General in his efforts to attribute to the Centre for Human Rights the functions of a focal point and clearing-house for inter-agency coordination with other organizations of the United Nations system;

7. *Also encourages* the Secretary-General and the Centre for Human Rights to participate actively in the formulation of projects regarding technical cooperation in the field of human rights, in close consultation with Governments concerned, taking into account relevant suggestions made by human rights treaty bodies, special rapporteurs and non-governmental organizations;

8. *Decides* to pursue this intensified cooperation in the framework of advisory services in promoting by the Voluntary Fund for Technical Cooperation in the Field of Human Rights;

9. _Further encourages_ the Secretary-General to pay due attention to the particular needs of developing countries from all regions and to explore fully the possibilities offered by the cooperation of the relevant specialized agencies with the Centre for Human Rights;

10. _Requests_ the Secretary-General to bring regularly to the attention of all Governments and of the competent human rights organs the possibilities that exist under the Voluntary Fund of providing technical cooperation in the field of human rights to Governments at their request;

11. _Encourages_ Governments interested in technical cooperation in the field of human rights, particularly those of developing countries, to make use of the Voluntary Fund;

12. _Also encourages_ Governments to seek contact and to cooperate with non-governmental human rights organizations in formulating and implementing programmes under the Voluntary Fund;

13. _Requests_ the Secretary-General to guarantee transparency of the criteria applied and of the rules of procedure to be followed in carrying out technical cooperation in the field of human rights;

14. _Also requests_ the Secretary-General to report annually to the Commission on Human Rights on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights in a distinct part of his annual report on advisory services and technical cooperation in the field of human rights.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XXI.]

1991/50. _Advisory services in the field of human rights_

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, by which the Assembly established the United Nations programme of advisory services in the field of human rights,

Recalling also General Assembly resolution 41/154 of 4 December 1986, in which the Assembly requested the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations, Recalling further General Assembly resolution 43/90 of 8 December 1988, in which the Assembly invited the Commission on Human Rights to consider a programme of action in the field of human rights, including activities to develop human rights institutions and infrastructures,

Recalling its resolution 1985/26 of 11 March 1985, in which it encouraged the Secretary-General to continue and enhance his efforts under the programme of advisory services in the field of human rights to provide practical assistance to States in the implementation of international conventions on human rights particularly the International Covenants on Human Rights, and its resolutions 1990/58 and 1990/59 of 7 March 1990,

Mindful of the provisions of General Assembly resolution 926 (X) that advisory services shall be rendered by the Secretary-General solely at the request of Governments,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1991/55),

Noting with appreciation the enhanced efforts of the Secretary-General to coordinate system-wide advisory services and technical assistance in the field of human rights and the foundation of a flexible inter-agency mechanism for human rights activities,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Supporting, therefore, the general thrust of the plan of activities contained in the report of the Secretary-General (E/CN.4/1991/55, sect. III),

1. Welcomes the increasing number of requests from Governments for support and technical assistance in the field of human rights;

2. Reaffirms that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;

3. Requests the Secretary-General again to provide urgently more human and financial resources for the enlargement of advisory services, particularly from section 24 of the regular budget of the United Nations concerning technical cooperation, in order to meet the increased demand on this important instrument intended to invigorate the human rights spirit in the world;

4. Also requests the Secretary-General to pursue his efforts for a medium-term plan for advisory services and technical assistance in the field

of human rights, taking into account the comments and views expressed by Governments at the forty-seventh session of the Commission on Human Rights;

5. Recommends to the Secretary-General that the provision of expert assistance and activities to assist Governments in the development of the necessary infrastructures to meet international human rights standards should continue to increase;

6. Welcomes the efforts of the Secretary-General to ensure close coordination between the activities of the regular programme and those of the voluntary fund and, at the same time, to make a clear distinction between activities under the regular programme of advisory services and technical cooperation projects financed under the voluntary fund;

7. Requests the Secretary-General to intensify further coordination within the United Nations system for providing advisory services and technical assistance in the field of human rights;

8. Notes with appreciation the co-operation between the Centre for Human Rights and the United Nations Development Programme and encourages the leadership of both organizations to further enhance co-ordination and cooperation between them;

9. Requests the Secretary-General to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies of the United Nations system, such as the United Nations Development Programme, the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation, the United Nations Institute for Training and Research, the United Nations Interregional Crime and Justice Research Institute and the World Health Organization, as well as the International Committee of the Red Cross;

10. Also requests the Secretary-General to bring the need for further technical assistance in the legal field that has been indicated by a number of States to the attention of the United Nations bodies and the specialized agencies that are active in providing assistance in the field of development with a view to promoting human rights in the development strategies and policies of the United Nations;

11. Invites competent United Nations bodies, such as the committees set up under the International Covenants on Human Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Rights of the Child, to make suggestions and proposals for the implementation of advisory services;

12. Requests its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, to inform Governments, whenever appropriate, of the possibility of availing themselves

of the services provided for under the programme of advisory services and to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

13. *Requests* the Secretary-General to give special attention to such proposals of special rapporteurs and representatives;

14. *Appeals* to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

15. *Encourages* Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services of experts in the field of human rights, for example, for drafting basic legal texts in conformity with international conventions on human rights;

16. *Requests* the Secretary-General to report to the Commission at its forty-eighth session on the progress made in the implementation of the programme of advisory services in the field of human rights.

52nd meeting
5 March 1991
[Adopted without a vote. See chap. XXI.]

1991/51. *Assistance to Guatemala in the field of human rights*

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling its resolution 1990/80 of 7 March 1990,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/11 of 30 August 1990,

Having considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20) and the reports of the Special Rapporteur on the question of torture (E/CN.4/1991/17), and of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1991/36), Having considered also the report of the independent Expert, Mr. Christian Tomuschat (E/CN.4/1991/5 and Add.1),

Deeply concerned that the climate of violence in the country has worsened and that serious violations of human rights are still occurring,

Taking note of the fact that the new Constitutional Government of Guatemala, on entering office on 14 January 1991, made a commitment to the people of Guatemala and the international community to guarantee the full enjoyment of human rights and fundamental freedoms and offered to take immediate and urgent measures to that end,

Taking note with appreciation of the progress of the talks between the various sectors of Guatemalan society and the Unidad Revolucionaría Nacional Guatemalteca within the framework of the "Procedures for the establishment of a firm and lasting peace in Central America" (Esquipulas II) and the Basic Agreement on the Search for Peace by Political Means, concluded in Oslo, which have been conducted under the auspices of the National Commission for Reconciliation in the presence of a representative of the Secretary-General and with the support of the Government of Guatemala,

Disturbed by the grave situation faced since time immemorial by the indigenous populations, who have been subjected to exploitation, as well as to serious violations of their human rights and fundamental freedoms,

Deeply disturbed by the act of aggression committed by the army against the indigenous population of Santiago Atitlán on 2 December 1990,

Aware of the need to reinforce investigation and punishment of those responsible for violations of human rights which result in a climate of impunity,

Considering that it is necessary to continue to observe the situation through advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms, and to supporting the efforts of the new Government in that direction,

1. Takes note with appreciation of the report submitted by the independent Expert;

2. Expresses its gratitude to the Government of Guatemala for its collaboration with the Commission on Human Rights in carrying out its advisory activities, as well as for the facilities and cooperation afforded to the independent Expert;

3. Welcomes the commitment by the new Government of Guatemala to guarantee the protection of human rights and fundamental freedoms and to exercise the necessary authority to fulfil that commitment;

4. _Encourages_ the Government of Guatemala to continue, within the framework of the "Procedures for the establishment of a firm and lasting peace in Central America" (Esquipulas II) and the Basic Agreement on the Search for Peace by Political Means, concluded in Oslo, to support and participate in the talks between the various sectors of society and the Unidad Revolucionaría Nacional Guatemalteca, with the assistance of the Secretary-General, in order to achieve a peaceful solution to Guatemala's long history of confrontation;

5. _Deeply deplores_ the serious violations of human rights which occurred in Guatemala in 1990, in particular the increase in extrajudicial executions, abductions, torture, enforced disappearances, attacks and threats, which have created a climate of intimidation and fear;

6. _Recommends_ that the Guatemalan authorities should strengthen measures to ensure that human rights are respected in the country in all their aspects, and should pay special attention to the recommendations made by the independent Expert in his report;

7. _Urges_ the Government of Guatemala to initiate or intensify, as the case may be, investigations aimed at identifying and bringing to justice those responsible for acts of torture, disappearances, murders and extra-legal executions;

8. _Requests_ the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

9. _Urges_ the Government of Guatemala to strengthen policies and programmes relating to the situation of the indigenous populations, taking into account their proposals and aspirations, to enable them to enjoy fully their fundamental rights and freedoms;

10. _Requests_ the Secretary-General to continue to provide the Government of Guatemala, as he has been doing, with advisory services in the field of human rights;

11. _Also requests_ the Secretary-General to extend the mandate of the independent Expert so that he may continue to examine the human rights situation in Guatemala and provide assistance to the Government in the field of human rights, reporting to the Commission on the subject at its forty-eighth session;

12. _Decides_ to consider the question at its forty-eighth session under an item of the agenda to be determined in the light of the above-mentioned report and the situation of human rights and fundamental freedoms in Guatemala.

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XXI.]

1991/52. Implementation of the Convention on the Rights of the Child

The Commission on Human Rights,

Recalling General Assembly resolution 44/25 of 20 November 1989, by which the Assembly adopted the Convention on the Rights of the Child,

Recalling also its resolution 1990/74 of 7 March 1990 as well as General Assembly resolutions 45/104 of 14 December 1990 and 45/217 of 21 December 1990,

Reaffirming that the rights of children require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of that of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Welcoming with satisfaction the successful conclusion of the World Summit for Children, held in New York on 29 and 30 September 1990, in particular the adoption of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (E/CN.4/1991/59, annex) and stressing the necessity to ensure the follow-up of the Summit at the national and international levels,

Having considered the report of the Secretary-General on the status of the Convention (E/CN.4/1991/58),

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child;

2. *Welcomes with deep satisfaction* the entry into force of the Convention on 2 September 1990 as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

3. *Expresses its satisfaction* at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

4. *Calls upon* all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

5. *Requests* the Secretary-General to provide all facilities and assistance necessary for the dissemination of information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;

6. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the Convention;

7. *Recognizes* the important functions of the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention;

8. *Requests* the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee on the Rights of the Child;

9. *Invites* United Nations bodies and organizations as well as intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding;

10. *Requests* the Secretary-General to submit a report on the status of the Convention on the Rights of the Child to the Commission at its forty-eighth session;

11. *Decides* to consider the report of the Secretary-General at its forty-eighth session under the agenda item "Rights of the child".

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XXIV.]

1991/53. Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Recalling its resolution 1990/68 of 7 March 1990, by which it decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography,

Recalling Economic and Social Council decision 1990/240 of 25 May 1990, by which the Council decided to request the Chairman of the Commission to appoint, for a period of two years, a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes,

Welcoming the appointment of Mr. Vitit Muntarbhorn as Special Rapporteur on the sale of children,

Having considered the report of the Special Rapporteur (E/CN.4/1991/51),

Recognizing the transnational aspects of the sale of children, child prostitution and child pornography,

Recognizing the need to build a network of contacts at both the national and international levels, including the governmental and non-governmental spheres,

1. Welcomes the preliminary assessment of his task by the Special Rapporteur on the sale of children as contained in his report to the Commission on Human Rights;

2. Requests the Special Rapporteur to continue to carry out his work in the light of the mandate as enunciated in Commission resolution 1990/68 and taking into account the conclusions and recommendations in his report;

3. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to submit his report to the Commission on Human Rights at its forty-eighth session;

4. Requests the Special Rapporteur to report on his activities to the Commission on Human Rights at its forty-eighth session;

5. Decides to consider the report of the Special Rapporteur on the sale of children under the agenda item "Rights of the child".

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XXIV.]

1991/54. Sale of children, child prostitution, child pornography and the exploitation of child labour

The Commission on Human Rights,

Having considered the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session (E/CN.4/1991/2),

Taking note of the report of the Special Rapporteur on the sale of children, Mr. Vitit Muntarbhorn, (E/CN.4/1991/51), and of the report of the Secretary-General on comments received from Governments, the specialized agencies and intergovernmental and non-governmental organizations on the draft programme of action for prevention of sale of children, child prostitution and child pornography (E/CN.4/1991/50 and Add.1),

Bearing in mind decision 1990/6, on children in especially difficult circumstances, adopted by the Executive Board of the United Nations Children's Fund at its ordinary session of 1990,

Deeply concerned about the information received on the exploitation of children in its various manifestations, the sale of children, child prostitution, child pornography and the exploitation of child labour,

Also deeply concerned about the consequences of these practices for the children who are the victims in all parts of the world, especially in countries of the third world facing development problems,

Taking note with satisfaction of the intention of the International Labour Organisation to implement a new programme on the elimination of child labour,

Aware of the need to adopt urgent measures to prevent and eliminate these problems,

I

DRAFT PROGRAMME OF ACTION FOR PREVENTION OF SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

1. Welcomes with satisfaction the report of the Special Rapporteur on the sale of children;

2. Takes note of the comments received by the Secretary-General from Governments, the specialized agencies and intergovernmental and non-governmental organizations on the draft programme of action for prevention of sale of children, child prostitution and child pornography;

3. Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session and, in particular, of the report of its Working Group on Contemporary Forms of Slavery on its fifteenth session (E/CN.4/Sub.2/1990/44);

4. Decides to refer to the Sub-Commission the draft programme of action (E/CN.4/1991/50, Annex) so that it might make the necessary amendments in the light of the opinions received from Governments, the specialized agencies and intergovernmental and non-governmental organizations;

5. Requests the Sub-Commission in its reformulation of the programme of action, fully to reflect the 10-point programme of the World Declaration on the Survival, Protection and Development of Children (see E/CN.4/1991/59, annex, para. 20), adopted by the World Summit for Children on 30 September 1990;

6. Also requests the Sub-Commission to give the highest priority to the reformulation of the programme of action so that it might be adopted by the Commission on Human Rights at its forty-eighth session;

7. Requests the Special Rapporteur, on the basis of his experience, to consider the possibility of submitting his comments and suggestions to the Working Group on Contemporary Forms of Slavery, if possible, by attending its meetings;

8. Requests the Under-Secretary-General for Human Rights to provide the Sub-Commission with the necessary cooperation for the fulfilment of this mandate;

9. Decides to consider the question at its forty-eighth session under the agenda item "Rights of the child";

II

DRAFT PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

10. Adopts draft resolution VII, entitled "Programme of Action for the Elimination of the Exploitation of Child Labour", recommended for adoption by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1990/31 of 31 August 1990 (see E/CN.4/1991/2, chap. I, sect. A);

11. Decides to transmit to Governments, the specialized agencies and intergovernmental and non-governmental organizations for their comments the draft programme of action annexed to the draft resolution of the Sub-Commission;

12. *Requests* Member States to support through the appropriate means, including financial contributions, the programme of the International Labour Organisation on the elimination of child labour;

13. *Requests* the Secretary-General to submit an analytical summary of the replies received to the Commission at its forty-eighth session;

14. *Decides* to examine the draft programme of action and the report of the Secretary-General at its forty-eighth session under the agenda item "Rights of the child".

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XXIV.]

1991/55. *Programme of action for the elimination of the exploitation of child labour*

The Commission on Human Rights,

Having examined the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1990/44), to which is annexed a draft programme of action for the elimination of the exploitation of child labour, submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session,

Noting with deep anxiety the information relating to the worldwide phenomenon of the exploitation of child labour,

Noting also that most of the victims of such exploitation are children from countries of the third world facing development problems,

Gravely concerned about the consequences of these practices for the children who are their victims,

Having examined the various elements of the draft programme of action proposed by the Sub-Commission (see E/CN.4/1991/2, chap. I, sect. A),

1. *Endorses* the views expressed by the Sub-Commission on Prevention of Discrimination and Protection of minorities on the need to adopt a concerted programme of action to combat these practices;

2. *Decides* to transmit to Governments, the specialized agencies and intergovernmental and non-governmental organizations, for their comments the draft programme of action annexed hereto;

3. Requests the Secretary-General to submit to the Commission at its forty-eighth session a summary of the replies received;

4. Further decides to examine the draft programme of action and the report of the Secretary-General at its forty-eighth session.

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XXIV.]

ANNEX

Programme of action for the elimination of the exploitation of child labour

General

1. In spite of the progress made in combating the exploitation of child labour, in particular through the development of national and international norms which have defined the bases of legal protection, and of mechanisms for monitoring their application, the exploitation of child labour still remains a current and widespread phenomenon of a serious nature in various parts of the world.

2. This phenomenon, which is both complex and worldwide, varies from one country to another. Although the industrialized countries are not spared, it affects the developing countries more particularly, and within each country the more vulnerable groups of the population. Poverty is often the main cause of child labour, but generations of children should not be condemned to exploitation until poverty is overcome. Underdevelopment cannot justify the exploitation of which children are the victims. The Governments concerned and the international community as a whole must not wait for development problems to be adequately solved before attacking the phenomenon of the exploitation of child labour. Besides the long-term action which should be initiated with a view to treating the deep causes underlying the exploitation of child labour, it is essential that urgent measures and medium- and short-term action be taken to meet the immediate needs of the children who are exposed to the gravest dangers, while making sure that such action is integrated into economic and social development strategies.

3. High priority should be given to the elimination of the most odious forms of child exploitation, in particular child prostitution, pornography, the sale of children, the employment of children in dangerous occupations and debt bondage.

4. The international community should place particular emphasis on the new phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including their implication in the narcotic drugs traffic or in armed conflicts or military activities.

5. The action should be directed, first, towards the most dangerous forms of child labour and the elimination of work by children under 10 years of age, with a view to the total elimination of child labour as prohibited by the provisions of the relevant international instruments.

6. Special attention should be paid to the most vulnerable categories of children: children of immigrants, street children, children of minority groups, indigenous children, refugee children, children in occupied territories and those under the apartheid régime.

7. In order to reach the core of one of the prime causes of exploitation of child labour, which is poverty, increased resources should be made available through bilateral and multilateral channels for the elimination of the exploitation of child labour. Elimination of the phenomena linked with the exploitation of child labour calls for social measures and development assistance. Their prevention will require deep structural reforms in the economic, social and cultural spheres.

8. Particular attention should also be given to social rehabilitation, education and information. It is important that the means of protecting children should be strengthened by development, the reinforcement of legislation and proper application of the relevant laws.

9. Adequate means and concerted measures are necessary at the local, national, regional and international levels.

Information

10. The public could be made aware of the problem and the different aspects of the exploitation of child labour by national and international information campaigns. The extent of the problem cannot be accurately defined by reference to the statistics from various sources. The sectors favouring the exploitation of child labour should be specially targeted (agriculture, non-structured urban sector and domestic service). It is important to reach the children who are the invisible victims of parallel employment networks. At the national level it is necessary to develop means of investigation and supervision by labour inspectors in order to detect and prosecute cases of exploitation of child labour, so as to break up the clandestine employment networks. The information campaign should also be able to reach children directly, in order to inform them of their rights and make them aware of the risks they run.

Education and vocational training

11. There is undoubtedly a link between child labour, illiteracy, school failure and the lack of vocational training. Massive literacy programmes, combined with legislation making basic training obligatory and free, as well

as measures to combat school wastage and to develop vocational training, are extremely necessary. Such programmes could be supported by community campaigns to increase the awareness and motivation of families.

Social action

12. The economic and social causes of the persistence of child labour, including the fact that it is seen in many cases as a means of survival for the children and their families, should be taken up in order to offer an alternative that will take the children out of the circle of poverty and exploitation. Urgent measures could be taken on behalf of children who are subjected to high physical and moral risks. It is important to give them protection and assistance, including social and medical assistance, while at the same time pursuing the objective of eliminating child labour. These urgent measures should be backed up by programmes of social rehabilitation.

Development aid

13. For many countries, the implementation of local, regional and national programmes on behalf of children requires appropriate international aid and a deeper commitment by the international community, whether through specific projects or through development assistance.

Labour standards and their application

14. States should adhere to the international standards in force and ensure that they are rigorously applied. It is important that, in accordance with article 1 of International Labour Organisation Minimum Age Convention, 1973 (No. 138), States should undertake "to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons". National legislation should explicitly prohibit dangerous or high-risk employment and prescribe penalties for employers who break this law. In at least three cases the exploitation of child labour is no less than a flagrant crime which violates the Charter of the United Nations, the principles of the Charter and the Universal Declaration of Human Rights, the most elementary principles of morality and all positive laws. Energetic repressive action is called for in these cases, namely:

(a) Sale and similar practices (serfdom, bond service, fake adoption, abandonment);

(b) Child prostitution, trafficking in pornography, involving the sexuality of children, and international traffic in girls and boys for immoral purposes;

(c) Under-age maidservants in a position of servitude.

Duties of States

15. States should fully apply the provisions of the Declaration of the Rights of the Child proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959, and more particularly:

(a) Principle 2, according to which "The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity ...".

(b) Principle 9, according to which "The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form ...".

16. States should consider the possibility of ratifying, as soon as possible, the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, and in this context should fully implement, in particular, article 32, which reads as follows:

> "1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
>
> 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
>
> (a) Provide for a minimum age or minimum ages for admission to employment;
>
> (b) Provide for appropriate regulation of the hours and conditions of employment;
>
> (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

17. Noting that over 40 countries have ratified International Labour Organisation Convention No. 138, those that have not done so should take appropriate steps to ratify this Convention. In this connection, greater assistance from the International Labour Organisation should be extended to the developing countries to facilitate their increased participation in standard-setting activities and in the implementation of ratified conventions.

18. States should sign and implement policies and programmes to narrow the gap between legislation and its implementation in practice.

19. States which have not already done so should review their legislation in the field of child labour with a view to the absolute prohibition of employment of children in the following cases:

(a) Employment before the normal age of completion of primary schooling in the country concerned;

(b) Under-age maid service;

(c) Night work;

(d) Work in dangerous or unhealthy conditions;

(e) Work concerned with trafficking in and production of illicit drugs;

(f) Work involving degrading or cruel treatment.

20. States should take preventive and curative measures, including the strengthening of their legislation, to combat the phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including the traffic in narcotic drugs, or in armed conflicts or military activities, or any other form of conflict.

21. States should, where necessary, undertake development programmes with a view to:

(a) Making primary education compulsory and available free to all;

(b) Assisting and encouraging families in order that their children may continue their education, in order to combat the phenomenon of school drop-outs;

(c) Adapting school curricula to the preparation of a child for a career;

(d) Improving the training programmes of professional workers dealing with child labour, in particular labour inspectors, social workers and magistrates, with a view, in particular, to making them more sensitive to the needs of children;

(e) Establishing or improving medical services for children.

22. States should ensure the availability of a sufficient number of work inspectors and train them systematically to deal with cases of exploitation of child labour. Particular attention should be given to national and regional plans for economic and social development for the occupational training of young people. National development plans should also include a section devoted particularly to the employment of young people and to methods of ensuring that the most deprived have sufficient resources to be able to protect themselves from conditions leading to exploitation.

23. All Member States should endeavour to establish national agencies or institutions to promote the rights of children and to protect them from any form of exploitation.

Role of United Nations bodies and specialized agencies

24. The International Labour Organisation should be encouraged in its activities within the framework of its work programme relating to child labour. Other specialized agencies and United Nations bodies should develop or reinforce their activities in the field of child labour.

25. All competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should ensure that no child is employed either directly or through local sub-contractors.

26. The United Nations and the specialized agencies, having regard to their special responsibilities in the field of child labour, should pay special attention to the situation of children in South Africa and in the occupied Arab territories.

27. While the question of exploitation of child labour should primarily be dealt with in the International Labour Organisation, the United Nations human rights bodies should continue to be concerned with this question in the framework of the rights of the child in general. The Sub-Commission on Prevention of Discrimination and Protection of Minorities should continue to have responsibility in this field.

28. The United Nations and the specialized agencies, including the United Nations University, should continue to incorporate in their programmes a series of interdisciplinary and multinational projects for comparative research on the various aspects of the exploitation of child labour throughout the world and in particular in the countries of Africa, Asia and Latin America.

29. The United Nations and the specialized agencies should reinforce their programmes related to the elimination of the exploitation of child labour, and in particular to the study of the economic, social, legal and cultural factors which give rise to it.

Cooperation at the local, national and international levels

30. All principal steps should be taken by Governments, international organizations and non-governmental organizations to increase awareness amongst children, parents, workers and employers of the causes and the adverse effects of child labour and measures to combat its exploitation. Such steps could include the wider dissemination of relevant international instruments translated, where appropriate, into languages other than the official languages of the United Nations.

31. Support should be given to non-governmental organizations concerned with the problem of child labour, particularly at the community level, and a constructive partnership should be evolved between Governments and non-governmental organizations.

32. The United Nations bodies and the specialized agencies dealing with the problem of child labour should seek the cooperation of national and international trade unions.

33. Appropriate and necessary forms of support should be given to non-governmental organizations at all levels, especially community organizations, concerned with the problem of child labour.

34. Concerned United Nations bodies and specialized agencies should examine the possibility of promoting an information campaign among villagers, employers, parents, children and other groups in countries where child labour exists.

35. Members of the international community should cooperate in order to assist developing countries in creating conditions under which child labour could be entirely eliminated.

1991/56. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session (E/CN.4/1991/2),

Expressing its appreciation for the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission at its first and fifth sessions and its particular responsibilities established in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970 and the relevant resolutions of the General Assembly,

Recalling also its resolutions 1989/36 of 6 March 1989 and 1990/64 of 7 March 1990, in which it provided certain guidelines for the work of the Sub-Commission,

Expressing its appreciation for the report of the Chairman of the Sub-Commission (E/CN.4/1991/48) prepared in accordance with paragraph 18 of Commission resolution 1990/64, *Noting with appreciation* the intensified dialogue between the Commission and the Sub-Commission through mutual information by their respective chairpersons established in accordance with paragraphs 17 and 18 of Commission resolution 1990/64,

Convinced of the need for a further strengthening of a substantial and meaningful dialogue between the Commission and the Sub-Commission,

Also convinced that it is essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members and their alternates should continue to be its guiding principles,

Further convinced that the credibility and effectiveness of the Sub-Commission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, *inter alia*, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general that non-governmental organizations in consultative status with the Economic and Social Council make to the work of the Sub-Commission, in conformity with the principles embodied in Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Noting with interest ongoing discussions in the working group established by the Sub-Commission in its decision 1989/104 of 30 August 1989 aiming at preparing an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to better discharge its responsibilities in dealing with the promotion and protection of human rights, and which would include, in particular, suggestions and proposals made by the Commission,

Reaffirming that the systematic preparation of well-researched studies, reports and draft international instruments continues to be one of the most important elements of the expert work of the Sub-Commission and of its contribution to the work of the Commission,

Noting the growing number of resolutions and decisions adopted by the Sub-Commission every year,

Convinced that reducing the number of studies undertaken and, whenever possible, attempting an earlier completion of studies would enable members of the Sub-Commission to elaborate more profound comments on studies prepared by other members, *Convinced* that it is highly appropriate for the Commmission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles,

Reaffirming that it remains important for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow it, in order to ensure the complementarity of its activities with those of the Commission,

1. *Reaffirms* that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission as well as in the expert studies carried out under its auspices;

2. *Calls upon* the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. *Requests* the Sub-Commission to give priority to those topics on which standards are being prepared, in accordance with decisions taken by the Commission and within the time frames set by the Commission;

4. *Urges* all the special rapporteurs of the Sub-Commission to submit their reports by the deadline given by the Secretariat so that these reports can be available in all languages well before the meeting;

5. *Recommends* that the Sub-Commission should, as a general rule, propose a new study only when a study previously authorized is fully completed;

6. *Reminds* the Sub-Commission that new studies or other reports involving financial implications can only be undertaken after authorization by its superior bodies;

7. *Recommends* that the Sub-Commission should restrict the number of studies undertaken at any one time in order to give the opportunity to all members to participate in an in-depth discussion among experts;

8. *Calls upon* the Sub-Commission to consider elaborating procedures with a view to ensuring the earliest possible completion of studies;

9. *Requests* the Sub-Commission to restrict its request to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments to requests relating to those studies which have received prior explicit approval from the Commission;

10. *Invites* the Sub-Commission to give due consideration to draft resolutions proposed for adoption and to seek the widest possible measure of agreement on them, bearing in mind that such draft resolutions should be

proposed only on subjects that have been thoroughly discussed in the Sub-Commission or in its working groups and should be consistent with the role of the Sub-Commission as a body of independent experts;

11. *Requests* the Sub-Commission to consider at its forty-third session its practice of forwarding draft resolutions and decisions to the Commission for attention, action or consideration;

12. *Urges* the Sub-Commission, when examining items which are extensively discussed elsewhere in the United Nations system, to concentrate its attention on those specific human rights issues to which it can make a distinctive contribution as an expert body;

13. *Invites* the Sub-Commission to request its working group established in its decision 1989/104 to intensify its discussions on reform issues and to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission;

14. *Also invites* the Sub-Commission to continue to give due regard to new developments in the field of human rights;

15. *Recognizes* that working groups constitute an invaluable element in the expert work of the Sub-Commission;

16. *Takes note* of the steps taken so far by the Sub-Commission to rationalize and streamline its work and encourages the Sub-Commission to continue and finalize its discussions on the best way to improve the efficiency of the debate, while attaching high priority to those efforts;

17. *Calls upon* States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as members of the Sub-Commission and to respect fully the independence of elected members;

18. *Requests* the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;

19. *Invites* the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

20. *Requests* the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines which the Commission is providing in the present resolution.

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XIX.]

1991/57. International Year for the World's Indigenous People

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Taking note of General Assembly resolution 45/164 of 18 December 1990, in which the Assembly proclaimed 1993 as the International Year for the World's Indigenous People, with a view to strengthening international cooperation for the solution of problems faced by indigenous communities in such areas as human rights, the environment, development, education, health and others,

Taking into account the guidelines for international years and anniversaries adopted by the General Assembly in its decision 35/424 of 5 December 1980,

Recognizing the value and diversity of the cultures and forms of social organization of the world's indigenous people,

1. Recommends that the specialized agencies, regional commissions and other organizations of the United Nations system, in their consideration of the contributions that they can make to the success of the International Year for the World's Indigenous People, be guided by how:

(a) Their operational activities can most effectively contribute to the solution of problems faced by indigenous people;

(b) Indigenous people can play an important role in the planning, implementation and evaluation of projects which may affect them;

2. Invites Member States to inform the Secretary-General of their initiatives and to propose themes for the International Year;

3. Encourages Member States to consult with indigenous people, and non-governmental organizations working with them, regarding themes and activities for the International Year;

4. Requests the Secretary-General, in preparing the draft programme of activities for the International Year, requested by the General Assembly in its resolution 45/164, to take into account the ongoing work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as the Working Group on Indigenous Populations and to consider specific recommendations for the coordination and implementation of the draft programme of activities;

5. *Requests* the Secretary-General to accept and administer voluntary contributions from Governments, intergovernmental organizations and indigenous and non-indigenous organizations for the purposes of funding programme activities for the International Year.

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XIX.]

1991/58. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its fifteenth session (E/CN.4/Sub.2/1990/44), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session,

Having considered Sub-Commission resolutions 1987/31 and 1987/32 of 4 September 1987, 1988/31 of 1 September 1988, 1989/41 of 1 September 1989 and 1990/30 of 31 August 1990,

Recalling its resolutions 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations and 1988/42 of 8 March 1988, 1989/35 of 6 March 1989 and 1990/63 of 7 March 1990 on the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission,

Recalling Economic and Social Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others,

Recalling also Economic and Social Council resolutions 1988/34 of 27 May 1988, 1989/74 of 24 May 1989 and 1990/46 of 25 May 1990,

Recalling further General Assembly resolutions 38/107 of 16 December 1983 and 40/103 of 13 December 1985 on the prevention of prostitution,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1. *Expresses its appreciation* to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its fifteenth session in executing its programme of work, and for its continued broad approach and flexible methods of work;

2. *Requests* the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the Conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group on Contemporary Forms of Slavery;

3. *Invites* those eligible States that have not ratified the relevant Conventions to consider doing so as soon as possible, or to explain in writing why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

4. *Invites* intergovernmental organizations, relevant organizations of the United Nations system, including the International Labour Organisation, the World Health Organization, the World Bank, the International Monetary Fund, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme, the United Nations Children's Fund and the United Nations University, the International Criminal Police Organization and non-governmental organizations concerned, to continue to supply relevant information to the Working Group;

5. *Encourages* the Sub-Commission, including its Working Group, once again to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Slavery Conventions on the basis of the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37);

6. *Takes note with appreciation* of the assignment by the Secretary-General of a part-time professional staff member to serve the Working Group and undertake other activities relating to contemporary forms of slavery under the post which has been included in the budget of the Centre for Human Rights for questions relating to slavery and slavery-like practices and requests the Secretary-General to assign this staff member on a full-time basis;

7. *Recalls once again* its request to the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery;

8. Calls upon all relevant non-governmental organizations in consultative status with the Economic and Social Council, including those interested in the rights of children and women, to attend the sessions of the Working Group;

9. Recommends that the General Assembly establish a voluntary fund on contemporary forms of slavery, and requests the Economic and Social Council to take further action on this matter;

10. Recommends that the supervisory bodies of the International Labour Organisation give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery;

11. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of the States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights and article 6 of the Convention on the Elimination of All Forms of Discrimination against Women, and articles 32, 34, 35 and 36 of the Convention on the Rights of the Child with a view to combating contemporary forms of slavery;

12. Invites the Special Rapporteur on the sale of children, to examine ways and means of cooperating with the Working Group on Contemporary Forms of Slavery;

13. Recalls its request to the Secretary-General to report to the Economic and Social Council on the steps taken by Member States, organizations of the United Nations system and intergovernmental organizations to implement the recommendations contained in Council resolution 1983/30 of 26 May 1983, and requests the Secretary-General to report on the comments received to the Council at its first regular session of 1991 and to make this report available to the Working Group;

14. Invites all Member States to consider the possibility of taking appropriate action for the protection of children and migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives;

15. Requests Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

16. Recommends that these concerns be fully considered by the Working Group at its sixteenth session, when its main theme of work will be the prevention of the traffic in persons and the exploitation of the prostitution of others.

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XIX.]

1991/59. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts, in carrying out its plan of action, to continue the elaboration of international standards in this field,

Having examined the report of the Working Group on its eighth session (E/CN.4/Sub.2/1990/42),

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous people in all parts of the world,

Determined to do everything possible to promote the enjoyment of the rights of indigenous people,

Reaffirming the decision of the Working Group, at its first session, that its working languages are English and Spanish,

1. Expresses its appreciation to the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its eighth session in the area of standard-setting, and for its continued broad approach and flexible methods of work;

2. *Further expresses its appreciation* for the active and constructive participation in the work of the Working Group of observers for Governments, the specialized agencies, non-governmental organizations and, in particular, indigenous peoples' organizations;

3. *Welcomes* the decision of the Sub-Commission in its resolution 1990/26 of 31 August 1990 to continue to entrust the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene A. Daes, with the further development of a draft declaration on indigenous rights within the framework contained in her working paper, taking into consideration, *inter alia*, the comments on the draft declaration which will be provided by Governments, indigenous peoples' organizations and other interested parties in accordance with the resolution of the Sub-Commission;

4. *Requests* the Secretary-General to give the Chairman-Rapporteur of the Working Group the resources and assistance needed to carry out her task;

5. *Recommends* to the Economic and Social Council that the Working Group be authorized to meet for 10 working days prior to the forty-third session of the Sub-Commission, for the purpose of intensifying its efforts to complete a draft declaration on indigenous rights in consultation with interested Governments and indigenous peoples' organizations;

6. *Urges* the Working Group to intensify its efforts to continue and to complete as soon as possible the elaboration of international standards based on a continued and comprehensive review of developments pertaining to the promotion and protection of the human rights of indigenous people and of the situation and aspirations of indigenous people throughout the world;

7. *Requests* the Secretary-General to give all the necessary assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, the specialized agencies, non-governmental and indigenous peoples' organizations, in order to encourage the widest possible participation in its work;

8. *Requests* the Secretary-General:

(a) To transmit the report of the Working Group to Governments, indigenous peoples' and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions aimed at the clarification, simplification and generalization of the texts contained in the annexes to its report;

(b) To ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both English and Spanish;

(c) To prepare a brief note on the financial implications of convening one or more of the future sessions of the Working Group in Latin America or the Asia-Pacific region, for consideration by the Working Group at its ninth session;

(d) To organize a regional training course in Latin America on the United Nations, human rights and indigenous people, as a matter of the highest priority and in accordance with Sub-Commission resolution 1990/26, and for this purpose to utilize to the greatest possible extent the expertise of the members of the Working Group and of indigenous peoples' organizations;

9. Expresses its gratitude and appreciation to the Governments and organizations which have already made contributions to the United Nations Voluntary Fund for Indigenous Populations;

10. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for initial as well as further contributions to the Fund.

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XIX.]

1991/60. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families, Recalling General Assembly resolution 34/172 of 17 December 1979, in which the Assembly decided to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Also recalling its own resolution 1990/44 of 6 March 1990, in which it expressed the hope that the General Assembly would complete the elaboration of the convention as soon as possible,

Further recalling General Assembly resolution 45/158 of 18 December 1990, in which the Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and opened it for signature, ratification or accession,

1. Welcomes the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

2. Urges all States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

3. Encourages the Secretary-General to assume an active role in disseminating information on, and promoting, the International Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies;

4. Requests the Secretary-General to report on the status of the Convention to the Commission at its forty-eighth session;

5. Decides to include in the provisional agenda for the forty-eighth session of the Commission the item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XIII.]

1991/61. Rights of persons belonging to national, ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling its decision taken on 8 February 1978 at its thirty-fourth session (E/1978/34, para. 297), to create an informal open-ended working group to draft a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, as well as its subsequent resolutions on the subject, *Considering* that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system on promoting and protecting the rights of persons belonging to national, ethnic, religious and linguistic minorities,

Recognizing the need to ensure even more effective implementation of international instruments with regard to the rights of persons belonging to national, ethnic, religious and linguistic minorities,

Bearing in mind General Assembly decision 45/434 of 18 December 1990, in which the Assembly decided to encourage the Commission on Human Rights to complete the final text of the draft declaration as soon as possible and to transmit it to the General Assembly through the Economic and Social Council,

1. *Takes note with satisfaction* of the report of the open-ended working group set up by the Commission to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1991/53) and, in particular, of the progress made by the working group in the second reading of the draft declaration;

2. *Expresses the hope* that the second reading of the draft declaration will be completed as soon as possible;

3. *Decides* to consider the question again at its forty-eighth session;

4. *Recommends* the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XX.]

1991/62. *Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities*

The Commission on Human Rights,

Taking into account resolution 1990/5 of 23 August 1990 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. *Expresses its deep appreciation* to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, for his progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1990/46);

2. _Endorses_ the methods proposed by the Special Rapporteur for the further study of the possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities;

3. _Requests_ the Special Rapporteur to submit to the Sub-Commission at its forty-third session a preliminary report, taking into account, among other information, the comments and suggestions made by the members of the Sub-Commission as well as replies from Governments, specialized agencies, regional intergovernmental and non-governmental organizations;

4. _Requests_ the Secretary-General to give the Special Rapporteur all the assistance he may require, including a technical meeting of experts for three days, to enable him to carry out his work successfully.

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XX.]

1991/63. _Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms_

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1990/47 of 6 March 1990 in which it authorized further meetings of the working group and noted the progress it had achieved,

Conscious of the importance of taking into account the opinions of all Member States and of interested intergovernmental and non-governmental organizations, before finalizing the draft declaration,

Considering that the task of the working group could be expedited if it were authorized to meet for a further session of two weeks prior to the forty-eighth session of the Commission,

1. _Takes note_ of the report of the working group (E/CN.4/1991/57), welcomes the substantial progress which the working group has made at its meetings prior to and during the forty-seventh session of the Commission, and urges the working group to complete its work as soon as possible;

2. _Decides_ to continue at its forty-eighth session its work on the elaboration of the draft declaration;

3. *Decides also* to make available appropriate meeting time for the working group prior to and during the forty-eighth session of the Commission;

4. *Requests* the Secretary-General to transmit the report of the working group to all Member States and relevant intergovernmental and non-governmental organizations;

5. *Decides* to consider the question at its forty-eighth session;

6. *Recommends* the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution VI.]

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XXIII.]

1991/64. *The role of youth in the promotion and protection of human rights*

The Commission on Human Rights,

Recalling General Assembly resolutions 36/29 of 13 November 1981, 37/49 of 3 December 1982, 38/23 of 22 November 1983, 41/98 of 4 December 1986, 43/94 of 8 December 1988 and 44/59 of 8 December 1989, in which the Assembly, *inter alia*, recognized the need to adopt appropriate measures for securing the implementation and the enjoyment by youth of human rights, particularly the right to education and to work,

Recalling also its own resolutions 1982/36 of 11 March 1982, 1983/46 of 9 March 1983, 1985/14 of 11 March 1985, 1987/45 of 10 March 1987 and 1989/58 of 8 March 1989,

Considering that young people constitute a substantial part of the world's population and play an important role in all fields of human activity, as well as the fact that the future belongs to youth,

Convinced that the confidence of youth in the future is a prerequisite for the realization of the creative potential of youth,

Recognizing that in many countries young people, under the prevailing critical social and economic conditions, are facing serious problems in the exercise of their right to education and work,

Aware of the fact that insufficient education and the unemployment of young people limit their ability to participate in the development process and, in this regard, emphasizing the importance of secondary and higher education for young people, as well as of their access to appropriate technical and vocational guidance and training programmes,

1. *Reaffirms* the role of youth in promoting the full and effective enjoyment of the entire range of human rights and fundamental freedoms for all;

2. *Reaffirms also* the fact that youth attaches crucial importance to the promotion of international peace and cooperation and the enjoyment of human rights and fundamental freedoms;

3. *Calls upon* all States, all governmental and non-governmental organizations, the United Nations organs concerned and the specialized agencies to devote constant attention to the exercise by young people of all human rights, including the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problem of unemployment among young people;

4. *Also calls upon* all States to take appropriate legislative, administrative and other action for the exercise by youth of all human rights and fundamental freedoms, including the right to education and the right to work, with a view to creating conditions for the active participation of young people in the formation and implementation of programmes for the overall development of their countries;

5. *Decides* to include in the provisional agenda of its forty-ninth session the item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XXV.]

1991/65. *Conscientious objection to military service*

The Commission on Human Rights,

Reaffirming its resolution 1989/59 adopted without a vote on 8 March 1989,

Having considered the report of the Secretary-General (E/CN.4/1991/64),

1. *Requests* the Secretary-General to report on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him, to the Commission on Human Rights at its forty-ninth session;

2. *Decides* to consider the question further at its forty-ninth session under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

53rd meeting
6 March 1991
[Adopted without a vote. See chap. XXV.]

1991/66. Situation of human rights in southern Lebanon

The Commission on Human Rights,

Gravely concerned by the persisting practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and The Hague Convention IV of 1907,

Recalling its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Reaffirming that the continued occupation and the practices of the Israeli forces constitute a violation of the resolutions of the Security Council as well as of the will of the international community and the conventions in force in this respect,

Gravely concerned by the impeding of the International Committee of the Red Cross and other humanitarian organizations from accomplishing their humanitarian mission in the occupied area of southern Lebanon, in particular to ascertain reports of ill-treatment of detainees in the detention centres of Khiam and Marjeyoun,

Reaffirming its resolution 1990/54 of 6 March 1990 and expressing its deep regret at the failure of Israel to implement this resolution,

1. Condemns the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of the civilian population, the destruction of their homes, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices and to implement the above-mentioned resolutions of the Security Council which require the immediate, total and unconditional withdrawal of Israel from all Lebanese territory and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, in its capacity as the occupying Power in southern Lebanon, to comply with the Geneva Conventions of 1949, specifically the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power in southern Lebanon, to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in that region

and, in particular, to allow these organizations to visit the detention centres of Khiam and Marjeyoun and to ascertain the conditions of detainees;

5. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its forty-sixth session and to the Commission on Human Rights at its forty-eighth session on the results of his efforts in that regard;

6. Decides to continue its consideration of the situation of human rights in southern Lebanon at its forty-eighth session.

54th meeting
6 March 1991
[Adopted by 41 votes to 1. See chap. XXII.]

1991/67. Situation of human rights in Kuwait under Iraqi occupation

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Human Rights, the Geneva Conventions of 12 August 1949 and Additional Protocol I of 1977 thereto and The Hague Convention IV of 1907,

Recalling General Assembly resolution 45/170 of 18 December 1990 concerning the situation of human rights in occupied Kuwait,

Also recalling Security Council resolutions 661 (1990) of 6 August 1990, paragraphs 3 (c) and 4, 666 (1990) of 13 September 1990 and 686 (1991) of 2 March 1991,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their obligations under the relevant international instruments,

Condemning the invasion and occupation of Kuwait on 2 August 1990 by the military forces of Iraq,

Concerned that the acts of the Iraqi forces in occupied Kuwait have caused enormous human suffering to the civilian population, *Noting with grave concern* the abduction from Kuwait and the continued detention of prisoners of war and civilians,

Noting also with grave concern the information to the effect that the treatment of prisoners of war and detained civilians does not conform to the internationally recognized principles of humanitarian law,

Deploring the refusal of Iraq to receive representatives of humanitarian organizations, especially representatives of the International Committee of the Red Cross, and a representative of the Secretary-General, to help in extending humanitarian assistance to the Kuwaiti people under occupation,

1. *Strongly condemns* the Iraqi authorities and occupying forces for their grave violations of human rights against the Kuwaiti people and nationals of other States and in particular the acts of torture, arbitrary arrests, summary executions and disappearances in violation of the Charter of the United Nations, the International Covenants on Human Rights, and other relevant legal instruments;

2. *Expresses its serious concern* about the systematic destruction, dismantling and pillaging of the economic infrastructure of Kuwait, which seriously undermined the present and future enjoyment by the Kuwaiti people of their economic, social and cultural rights;

3. *Demands* that Iraq comply with its obligations under the Charter of the United Nations and the contemporary norms of international law;

4. *Condemns* the rejection by Iraq of the offer of the Government of Kuwait and various humanitarian organizations to send humanitarian assistance, especially medicine, to the Kuwaiti people under occupation;

5. *Strongly condemns* the failure of Iraq to treat all prisoners of war and detained civilians in accordance with the internationally recognized principles of humanitarian law and insists that it refrain from subjecting them to acts of violence, including ill-treatment, torture and summary execution;

6. *Demands* that Iraq release immediately all prisoners of war and detained civilians;

7. *Condemns further* the failure of Iraq to ensure respect for international standards applicable under international law, in particular with reference to the protection of the civilian population, and its failure to cooperate fully with representatives of humanitarian organizations, especially the International Committee of the Red Cross, and give them access to Kuwait, and to allow them to extend humanitarian assistance to the civilian population of Kuwait;

8. *Welcomes* the intention of the Government of Kuwait to provide access to the International Committee of the Red Cross and other humanitarian organizations in order to assist in caring for the civilian population of Kuwait;

9. *Decides* to appoint an individual of recognized international standing as special rapporteur with a mandate to examine the human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq and to report as soon as possible to the General Assembly and to the Commission on Human Rights at its forty-eighth session;

10. *Requests* the Chairman of the Commission at its forty-seventh session, in consultation with the Bureau, to designate the special rapporteur;

11. *Authorizes* the Special Rapporteur to seek relevant information from the Government of Kuwait, the specialized agencies and intergovernmental and non-governmental organizations;

12. *Requests* the Special Rapporteur to prepare a preliminary report as soon as possible and to transmit it to the Secretary-General for dissemination to all Member States;

13. *Requests* the Secretary-General to provide all necessary assistance to the special rapporteur to enable him to carry out his mandate in the best possible conditions;

14. *Decides* to consider the situation of human rights in Kuwait under Iraqi occupation at its forty-eighth session.

54th meeting
6 March 1991
[Adopted by 41 votes to 1. See chap. XII.]

1991/68. *Situation of human rights in Cuba*

The Commission on Human Rights,

Recalling the report of the mission which took place in Cuba in accordance with Commission decision 1988/106 of 10 March 1988 (E/CN.4/1989/46 and Corr.1),

Recalling also its decision 1989/113 of 9 March 1989, in which it requested the Secretary-General to maintain contacts with the Government of Cuba on the issues and questions contained in the report,

Considering the letter, dated 29 January 1990, of the Secretary-General addressed to the Chairwoman of the Commission at its forty-sixth session, in which the Secretary-General informed the Commission that he had been maintaining contacts with the Government of Cuba on this matter,

Bearing in mind its resolution 1990/48 of 6 March 1990,

Taking note of the report of the Secretary-General (E/CN.4/1991/28) concerning the contacts maintained with the Government of Cuba,

1. _Expresses its appreciation_ to the Secretary-General for his report on the contacts maintained with the Government of Cuba;

2. _Expresses its appreciation also_ to the Secretary-General for the efforts made through his good offices;

3. _Recognizes_ the cooperation extended to the Secretary-General by the Government of Cuba in accordance with Commission decision 1989/113;

4. _Requests_ the Secretary-General, after consultation with the Chairman and the Bureau of the Commission, to appoint a special representative, in accordance with Commission decision 1989/113, to maintain direct contact with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission which took place in Cuba;

5. _Calls upon_ the Government of Cuba to continue cooperating with the Secretary-General in carrying out the task entrusted to him, taking into account the international agreements to which Cuba is party and the institutional procedures established in the field of human rights;

6. _Requests_ the appointed special representative to carry out his or her mandate, bearing in mind the Universal Declaration of Human Rights, and report the results to the Commission at its forty-eighth session under this agenda item on the endeavours pursuant to the present resolution.

54th meeting
6 March 1991
[Adopted by a roll-call vote of 22 to 6,
with 15 abstentions. See chap. XII.]

1991/69. _Situation of human rights in Romania_

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Recalling its resolution 1989/75 of 9 March 1989, by which it decided to appoint a special rapporteur with the mandate to examine the human rights situation in Romania, and its resolution 1990/50 of 6 March 1990 by which his mandate was extended for a further year, *Recognizing* the need to continue to promote a climate favourable to the establishment of a social order based on full respect for human rights in Romania,

Welcoming the positive attitude of the Government of Romania towards the Special Rapporteur and its willingness to continue to cooperate with him,

Convinced that the continued services of the Special Rapporteur will be of benefit to the Government and people of Romania during the present period of transition towards full respect for human rights and fundamental freedoms in Romania,

1. *Takes note with appreciation* of the report of the Special Rapporteur (E/CN.4/1991/30);

2. *Takes note* of the fact that, despite regrettable lapses, respect for human rights is in general continuing to improve in Romania;

3. *Recommends* that the Romanian authorities continue their action to ensure that human rights in all their aspects are respected in their country, both *de jure* and *de facto*, and pay particular attention to the points raised in the report of the Special Rapporteur;

4. *Also recommends* that the Romanian authorities consider the possibility of continuing to use the United Nations voluntary fund for advisory services and technical assistance, as suggested by the Special Rapporteur in his report;

5. *Decides* to extend the mandate of the Special Rapporteur for a further year;

6. *Requests* the Special Rapporteur to report to the Commission on Human Rights at its forty-eighth session;

7. *Takes note with appreciation* of the readiness of the Government of Romania to cooperate with the Commission and its Special Rapporteur;

8. *Requests* the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate in the best possible conditions;

9. *Decides* to continue its consideration of the human rights situation in Romania at its forty-eighth session.

54th meeting
6 March 1991
[Adopted without a vote. See chap. XII.]

1991/70. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Expressing its continued concern at reports of intimidation and reprisal against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolution 1990/76 of 7 March 1990 and taking note of the note by the Secretary-General on this question (E/CN.4/1991/24),

1. Urges Governments to refrain from all acts of intimidation or reprisal, in any form, against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies, or who have sought to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms;

2. Requests all representatives of United Nations human rights bodies as well as treaty bodies monitoring the observance of human rights to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal as well as prevent that access to United Nations human rights procedures be hampered in any way;

3. Also requests such representatives and treaty-monitoring bodies to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

4. Requests the Secretary-General to draw the attention of such representatives to the present resolution;

5. Invites the Secretary-General to submit to the Commission at its forty-eighth session a report containing any available information, from all appropriate sources, on alleged reprisals against witnesses or victims of human rights violations;

6. Decides to consider the question again at its forty-eighth session.

54th meeting
6 March 1991
[Adopted without a vote. See chap. XII.]

1991/71. *Summary or arbitrary executions*

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law, and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions 36/22 of 9 November 1981, 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 4 December 1984, 40/143 of 13 December 1985, 41/144 of 4 December 1986, 42/141 of 7 December 1987, 43/151 of 8 December 1988, 44/159 of 15 December 1989 and 45/162 of 18 December 1990,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1982/13 of 7 September 1982, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Welcoming Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which were endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15 (A/CONF.121/22/Rev.1, chap. 1, sect. E),

Welcoming also the close cooperation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control with regard to the elaboration of the principles on the effective prevention and investigation of arbitrary and summary executions, including extralegal executions,

Recalling Economic and Social Council resolution 1989/65 of 24 May 1989 containing the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions,

Recalling also Economic and Social Council resolution 1989/64 of 24 May 1989, on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, and the recommendations contained therein, Deeply alarmed at the occurrence, on a large scale, of summary or arbitrary executions, including extralegal executions,

Welcoming the attention given by the Special Rapporteur in his report (E/CN.4/1991/36) to the problem of situations of internal violence, disturbances, tensions and public emergency, in view of the needless loss of life consequent upon the level of violence in such situations,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Strongly condemns once again the large number of summary or arbitrary executions, including extralegal executions, which continue to take place in various parts of the world;

2. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extralegal executions;

3. Takes note with appreciation of the report of the Special Rapporteur and welcomes his recommendations with a view to eliminating summary or arbitrary executions;

4. Welcomes Economic and Social Council decision 1990/233 of 25 May 1990 in which the Council approved the Commission's decision to extend the mandate of the Special Rapporteur for two years, while keeping the annual reporting cycle;

5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of summary or arbitrary executions;

6. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

7. Encourages Governments, international organizations and non-governmental organizations to set up training programmes and to support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

8. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

9. *Also requests* the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur as well as his recommendations;

10. *Urges* all Governments, in particular those which have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

11. *Also urges* Governments to undertake all necessary and possible measures to lower the level of violence and the needless loss of life consequent thereupon during situations of internal violence, disturbances, tensions and public emergency;

12. *Expresses its profound thanks* to the Governments which have invited the Special Rapporteur to visit their countries, asks them to examine carefully his recommendations and invites them to report to the Special Rapporteur on action taken on these recommendations;

13. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

14. *Decides* to consider the question of summary or arbitrary executions as a matter of high priority at its forty-eighth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

54th meeting
6 March 1991
[Adopted without a vote. See chap. XII.]

1991/72. *Responsibility for the violations of human rights and fundamental freedoms*

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil their obligations in accordance with the Charter of the United Nations and international instruments in the field of human rights, *Recalling* that, according to article 2 of both International Covenants on Human Rights, States parties should undertake, in conformity with their constitutional procedures, legislative and other measures necessary for the implementation of the rights enshrined in the Covenants,

Expressing its grave concern at considerable losses caused to individuals, groups and peoples as a result of violations of human rights and fundamental freedoms, particularly those involving consistent patterns of gross violations,

Stressing the importance of the question of responsibility for violations of obligations concerning human rights and fundamental freedoms, particularly gross and systematic violations,

Noting that notwithstanding a number of existing separate norms and principles which establish such responsibility, further efforts should be undertaken with a view to elaborating legal régimes of responsibility,

Convinced that the elaboration, where necessary, of further clear rules regulating responsibility for violations of obligations concerning human rights and fundamental freedoms would serve as a deterrent which could to a great extent prevent such violations,

1. *Expresses its concern* at violations of human rights and fundamental freedoms still occurring in many parts of the world, in particular, gross and systematic violations, which mean the negation of the principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international legal instruments in this field;

2. *Considers* that the establishment of further clear rules regulating responsibility for human rights violations could serve as one of the basic preventive guarantees aimed at averting any infringements of human rights and fundamental freedoms;

3. *Invites* the competent United Nations bodies to consider the question of State responsibility for violations of international obligations in the field of human rights and fundamental freedoms;

4. *Appeals* to States which have not yet done so to undertake the necessary legislative measures with a view to establishing appropriate legal responsibility under domestic law of those responsible for violations of human rights and fundamental freedoms;

5. *Decides* to consider the question again at its forty-eighth session.

54th meeting
6 March 1991
[Adopted without a vote. See chap. XII.]

1991/73. Human rights and mass exoduses

The Commission on Human Rights,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur on this subject (E/CN.4/1503) and also in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees (A/41/324, annex),

Recalling the recommendations concerning mass exoduses which it has made to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs when studying violations of human rights in any part of the world,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international cooperation aimed at averting new massive flows of refugees in parallel with the provision of durable solutions to actual refugee situations,

Taking note once again of the report of the Secretary-General on human rights and mass exoduses (A/38/538),

Welcoming the endorsement by the General Assembly at its forty-first session of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,

Recalling General Assembly resolution 44/164 of 15 December 1989, by which the Assembly reaffirmed its support for the recommendation of the Group of Governmental Experts that the principal organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons,

Recalling also its resolution 1990/52 of 6 March 1990 and its previous relevant resolutions as well as those of the General Assembly, *Noting* that the General Assembly, in its resolution 45/153 of 18 December 1990, welcomed the report of the Joint Inspection Unit on the coordination of activities related to early warning of possible refugee flows (A/45/649, annex),

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

Bearing in mind the statement made by the United Nations High Commissioner for Refugees at its 36th meeting on 22 February 1990, which drew attention to the complexity of the global refugee problem, the need for a comprehensive approach addressing the concerns of all the different groups involved and the important role to be played in this regard by human rights institutions,

Noting that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements and problems of protection,

Recalling that the General Assembly, in its resolution 45/153, invited the Commission to keep the questions of human rights and mass exoduses under review with a view to supporting the early warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons,

1. *Invites again* all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

2. *Requests* all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

3. *Takes note* of the report of the Secretary-General on human rights and mass exoduses (A/45/607);

4. *Welcomes* the report of the Joint Inspection Unit on the coordination of activities related to early warning of possible refugee flows;

5. *Invites* the Secretary-General, all intergovernmental agencies and offices, as well as international agencies concerned, speedily to implement the recommendations contained in the report of the Joint Inspection Unit, particularly with regard to the establishment of a working group and of a consultative machinery within the United Nations system for early warning of possible refugee flows and displaced persons;

6. Encourages the Secretary-General to continue to take the necessary steps to discharge the function and responsibilities described in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including the continuous monitoring of all potential outflows, keeping in mind the recommendations of the Joint Inspection Unit;

7. Welcomes the establishment by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees of the Working Group on Solutions and Protection;

8. Requests the Secretary-General to intensify his efforts to develop the role of the Office for Research and the Collection of Information to strengthen the coordination of information-gathering and analysis with agencies so as to provide early warning of developing situations requiring the attention of the Secretary-General, as well as to provide a focal point within the United Nations system for policy response, including identification of the policy options for the Secretary-General;

9. Also requests the Secretary-General to make the necessary information available to the competent United Nations organs bearing in mind the recommendations of the Joint Inspection Unit;

10. Urges the Secretary-General to allocate the necessary resources to consolidate and strengthen the system for undertaking early warning activities in the humanitarian area by, *inter alia*, computerization of the Office for Research and the Collection of Information and strengthened coordination among the relevant organizations of the United Nations system, especially the Office for Research and the Collection of Information, the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights and the relevant specialized agencies, and ensuring that data collection and information handling processes are harmonized and, where possible, that use be made of computerized systems;

11. Looks forward to the report of the Secretary-General to the General Assembly at its forty-sixth session on the strengthened role that the Secretary-General could play in undertaking early warning activities, especially in the humanitarian area, as well as any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees;

12. Decides to continue consideration of the question at its forty-eighth session.

54th meeting
6 March 1991
[Adopted without a vote. See chap. XII.]

1991/74. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights,

Concerned by reliable reports of enforced or involuntary disappearances, mass extrajudicial executions, torture and arbitrary detention by the Government of Iraq, especially as reflected in the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20, paras. 217-236) and the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1991/36, paras. 269-289),

Concerned especially by the fact that chemical weapons have been used on the Kurdish civilian population, by the forced displacement of hundreds of thousands of Kurds and the destruction of Kurdish towns and villages, as well as by the situation of tens of thousands of displaced Kurds living in camps in the north of Iraq, and by the deportation of thousands of Kurdish families,

Concerned moreover by the denial of human rights and fundamental freedoms, including freedom of expression and of the press, by the Government of Iraq,

Considering Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/13 of 30 August 1990, in which the Sub-Commission recommended that the Commission appoint a special rapporteur with the mandate to examine the human rights situation in Iraq,

1. *Expresses grave concern* at the flagrant violations of human rights by the Government of Iraq;

2. *Urges* the Government of Iraq to ensure full respect for human rights and fundamental freedoms and, in particular:

(a) To halt the arbitrary and summary executions as well as the arbitrary detention of political and religious opponents;

(b) To put an end to the practices of enforced or involuntary disappearances and the practice of torture;

(c) To guarantee full respect for human rights of all persons in Iraq irrespective of their origin, halt deportation of Iraqi citizens and allow the deported persons to return to their villages of origin and receive reparation for the damage suffered as a result of their forced displacement;

3. *Calls upon* the Government of Iraq to abide by its obligations under the International Covenants on Human Rights;

4. *Urges* the Government of Iraq to cooperate with the Commission on Human Rights and, in particular, to help clarify the pending cases of enforced or involuntary disappearances noted in the report of the Working Group on Enforced or Involuntary Disappearances and to communicate to the Commission any new measures the Government of Iraq may take in the field of human rights;

5. *Requests* its Chairman, after consultation with the Bureau, to appoint an individual of recognized international standing in the field of human rights as special rapporteur of the Commission whose mandate will be to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur may deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq, and submit an interim report thereon to the General Assembly at its forty-sixth session and a report to the Commission at its forty-eighth session;

6. *Urges* the Government of Iraq to afford all necessary cooperation to the Special Rapporteur of the Commission;

7. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur of the Commission;

8. *Decides* to continue its consideration of the situation of human rights in Iraq under the present agenda item at its forty-eighth session.

54th meeting
6 March 1991
[Adopted by a roll-call vote of 30 to 1, with 10 abstentions. See chap. XII.]

1991/75. *Situation of human rights in El Salvador*

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, and by the humanitarian standards laid down in the Geneva Conventions of 12 August 1949 and Additional Protocol II of 1977 thereto, Reaffirming that the Governments of all Member States have a duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations assumed under those international instruments,

Recalling General Assembly resolution 45/172 of 18 December 1990 and its own resolution 1990/77 of 7 March 1990 by which the mandate of the Special Representative was extended for one year,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/14 of 30 August 1990,

Having considered the report of the Special Representative, Mr. José Antonio Pastor Ridruejo (E/CN.4/1991/34),

Considering that the continuing armed conflict in El Salvador is of a non-international character and that the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II of 1977 thereto,

Taking into account the commitment entered into by the Government of El Salvador in the various joint statements by the Central American Presidents with a view to the promotion, respect and exercise of human rights and fundamental freedoms, and the initiative on the situation in El Salvador annexed to the Declaration of Puntarenas, signed in Costa Rica on 17 December 1990,

Noting that, in accordance with Security Council resolution 637 (1989) of 27 July 1989, the Secretary-General has continued to provide his good offices for the holding of talks between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Taking note of the results achieved in the rounds of negotiations conducted so far, in particular the agreement signed between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional in Geneva on 4 April 1990, and the agreement concluded in Caracas on 21 May 1990, which establishes an agenda and timetable for negotiations designed to achieve the initial objective of political agreements for arranging a halt to the armed confrontation and any act that infringes the rights of the civilian population,

Welcoming the Agreement on Human Rights signed by the two parties at San José on 26 July 1990 (A/44/971-S/21541, annex), containing commitments concerning the respect and guarantee of human rights, which are to enter into force immediately, and on the terms of reference for the United Nations human rights verification mission, Concerned, at the fact that throughout 1990 the armed conflict and the climate of violence which has seriously affected the enjoyment of the human rights and fundamental freedoms of the Salvadorian population have persisted in El Salvador,

Regretting the recent acts of violence in the city of San Salvador,

Concerned also that, despite the reduction in the number of violations of human rights and despite the efforts made by the two parties to improve the human rights situation, numerous politically motivated violations of human rights and of the humanitarian rules of warfare are continuing in El Salvador,

Concerned further at the persistence of summary executions and other serious violations of human rights attributed by many sources to the so-called "death squads",

1. Commends the Special Representative of the Commission on Human Rights for his report on the situation of human rights in El Salvador and endorses the recommendations contained therein;

2. Expresses its satisfaction at the agreement signed at Geneva on 4 April 1990 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, which sets in motion a negotiating process under the auspices and with the active participation of the Secretary-General, with a view to ending the armed conflict through political means as speedily as possible, promoting the democratization of the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society;

3. Expresses its profound satisfaction at the Agreement on Human Rights signed at San José on 26 July 1990, which constitutes the first substantive agreement between the parties, and urges them to continue to take the action and measures necessary for its implementation;

4. Supports fully the work of mediation which is being carried out by the Secretary-General and his Personal Representative in the search for a negotiated political solution to the Salvadorian conflict, including the initiative of establishing a United Nations observer mission in El Salvador;

5. Expresses its serious concern at the persistence of politically motivated violations of human rights, such as summary executions, abductions and enforced disappearances, and at the atmosphere of intimidation in which certain sectors of the population live;

6. Also expresses its deep concern that the capacity of the judicial system continues to be unsatisfactory, despite the efforts of the Government of El Salvador to determine the responsibility of the perpetrators of serious

violations of human rights, and accordingly urges the competent authorities to accelerate the adoption of the reforms and measures necessary for ensuring the effectiveness of the system;

7. Deplores, therefore, the irregularities in the judicial proceedings in connection with the assassination of the Rector and other members of the Central American University in 1989 and the lack of cooperation on the part of certain sectors of the armed forces, which has impeded full clarification of such an abominable crime and the punishment of the guilty persons, as described in the report of the Special Representative;

8. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue the dialogue and to make the greatest possible efforts to carry out the political agreements of Geneva and Caracas, taking particular account of the proposals of the Secretary-General, in order that a firm and lasting peace may be achieved in the shortest possible time;

9. Calls upon the parties to the conflict to guarantee respect for the humanitarian rules applicable to non-international armed conflicts such as that in El Salvador, particularly with regard to the evacuation of the war wounded and maimed in order that they may receive prompt medical attention and the non-use of explosive devices affecting the civilian population;

10. Urges the parties to take all measures within their power to ensure that in the electoral process scheduled for 10 March 1991 the will of the Salvadorian people shall be expressed;

11. Reiterates its request to the organs and organizations in the United Nations system that, on the basis of General Assembly resolution 45/172 and its own resolution 1990/77, they should provide advice and assistance as requested by the Government of El Salvador in order to achieve higher standards in the promotion and protection of human rights and fundamental freedoms;

12. Decides to consider, at its forty-eighth session, the situation of human rights in El Salvador and the mandate of the Special Representative, taking into account the development of the human rights situation in that country;

13. Decides to extend the mandate of the Special Representative for a further year, and requests him to submit his report on the development of the human rights situation in El Salvador to the General Assembly at its forty-sixth session and to the Commission on Human Rights at its forty-eighth session.

54th meeting
6 March 1991
[Adopted without a vote. See chap. XII.]

1991/76. Situation of human rights in Albania

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the human rights situation in Albania has been under consideration by the Commission since 1984 under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Bearing in mind that, in its resolution 1988/17 of 2 March 1988, the Commission, acting under paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), decided to discontinue consideration of the human rights situation in Albania under the confidential procedure and to take up consideration of the matter under the public procedure provided for in Council resolution 1235 (XLII) of 6 June 1967,

Bearing in mind also Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/15 of 1 September 1988,

Recalling its own resolutions 1989/69 of 8 March 1989 and 1990/49 of 6 March 1990,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1991/29) submitted pursuant to Commission resolution 1990/49,

Welcoming the fact that positive steps have been taken by the Government of Albania, such as release of prisoners, amendments to the Criminal Code and the Code of Criminal Procedure, legalization of the creation of political parties and a certain degree of tolerance towards religious practice,

Considering, however, that the situation of human rights in Albania, in spite of positive developments, remains a cause for concern,

1. Expresses its appreciation and thanks to the Secretary-General for having raised during his official visit to Albania from 11 to 13 May 1990, with the Albanian authorities at the highest level, a number of issues pertaining to Commission resolution 1990/49, including several individual cases regarding which the Government subsequently provided confidential information;

2. Calls upon the Government of Albania to free all political prisoners and adopt, as soon as possible, legislative and administrative measures to meet the requirements under the International Bill of Human Rights and other

relevant international instruments, by which freedom, democracy and the rule of law will be established and the human rights and fundamental freedoms of all Albanian citizens will be effectively promoted and protected;

3. *Emphasizes* that all Albanian citizens should be enabled to exercise their right to vote and to stand for election and measures should be taken to guarantee the free expression of the will of the electors during the next proclaimed elections;

4. *Requests* the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite it to provide information regarding its implementation;

(b) To report to the Commission at its forty-eighth session on the implementation of the present resolution;

5. *Decides* to continue its consideration of the human rights situation in Albania at its forty-eighth session.

54th meeting
6 March 1991
[Adopted without a vote. See chap. XII.]

1991/77. *Situation of human rights in Haiti*

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that the Governments of all Member States are required to promote and protect human rights and fundamental freedoms,

Taking account of the report of the independent Expert appointed by the Secretary-General, Mr. Philippe Texier (E/CN.4/1991/33 and Add.1),

1. *Expresses its appreciation* to the independent Expert for his report and for the way in which he has discharged his mandate;

2. *Takes note with satisfaction* of the cooperation extended by the Haitian authorities to the independent Expert during his visits to Haiti from 27 June to 5 July 1990 and from 25 January to 2 February 1991;

3. Expresses its satisfaction at the democratic electoral process in Haiti on 16 December 1990 and on 20 January 1991, which has enabled a constitutional government to take office, and also at the full restoration of the 1987 Constitution;

4. Notes with satisfaction Haiti's accession to the International Covenant on Civil and Political Rights and invites the Government of Haiti to continue the process of ratifying other international human rights instruments;

5. Expresses its concern, however that threats continue to loom over democracy and over full respect for human rights, as is borne out by the massacre perpetrated at Gervet on 17 January 1991;

6. Invites the Government of Haiti to expedite the investigation into the principal massacres, particularly those of 29 November 1987, 11 September 1988, 12 March 1990, 16 March 1990, 31 May 1990, 21 June 1990 and 17 January 1991, and to bring those responsible to trial;

7. Expresses its concern at the acts of violence committed in Haiti's rural areas and at the ineffectiveness of the judicial system, and invites the Government of Haiti to take all the necessary steps so that those responsible be tried in keeping with the law and not be subjected to acts of uncontrolled vengeance;

8. Expresses its conviction that, as noted by the independent Expert in his report, it is important to pursue a fruitful dialogue with the new Government of Haiti, with a view to constantly improving the human rights situation in Haiti;

9. Requests its Chairman to appoint an independent expert to examine developments in the human rights situation in Haiti and to help devise measures capable of making the necessary improvements;

10. Calls upon the Haitian authorities to continue to cooperate fully with the independent Expert;

11. Requests the Secretary-General to provide the independent Expert with all necessary assistance in performing his task;

12. Requests the independent Expert to report on the discharge of his mandate to the Commission at its forty-eighth session;

13. Decides to consider the report of the independent Expert at its forty-eighth session under the agenda item "Advisory services in the field of human rights".

54th meeting
6 March 1991
[Adopted without a vote. See chap. XII.]

1991/78. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions as well as the resolutions of the General Assembly and the decisions of the Economic and Social Council,

Emphasizing the relevance and validity for all parties concerned of the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at Geneva on 14 April 1988 (S/19835, annex I), which constitute an important step towards a comprehensive political solution,

Noting with deep concern that a situation of armed conflict continues to exist in Afghanistan, that acts of violence against the civilian population continue, that the treatment of prisoners detained in connection with the conflict does not conform to the humanitarian rules set out in the Geneva Conventions and their Additional Protocols, that more than five million refugees are living outside Afghanistan and that many Afghans are displaced within the country,

Aware that the reasons given by the refugees for not returning to Afghanistan, pending the achievement of a comprehensive political solution and the establishment of a broad-based government, include the continued fighting in some provinces, the use of very destructive arms in the conflict, the minefields that have been laid in many parts of the country, the lack of an effective authority in several provinces and other obstacles which would be encountered by refugees in returning to Afghanistan,

1. _Takes note with appreciation_ of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1991/31) and of the conclusions and recommendations contained therein;

2. _Welcomes_ the cooperation of the Afghan authorities with the Special Rapporteur;

3. _Welcomes_ the cooperation that the Afghan authorities have extended to international organizations, in particular to the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan, the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

4. _Welcomes_ the fact that the Special Rapporteur was able to visit areas in Afghanistan not under government control;

5. _Urges_ all parties concerned to reiterate efforts in order to achieve a comprehensive political solution based on the free exercise of the right to self-determination by the people of Afghanistan through democratic procedures acceptable to the Afghan people, including free and fair elections, the cessation of hostilities and the creation of conditions that will permit the free return of refugees to their homeland in safety and honour, whenever they wish, and the full enjoyment of human rights by the Afghans;

6. _Also urges_ all parties to the conflict to respect the accepted humanitarian rules as set out in the Geneva Conventions and their Additional Protocols, to halt the use of weapons against the civilian population, to protect all prisoners from acts of reprisals and violence, including ill-treatment, torture and summary execution, to expedite the exchange of prisoners wherever they may be held, as well as to grant to the International Committee of the Red Cross unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

7. _Calls upon_ the Afghan authorities to investigate thoroughly the fate of disappeared persons, to apply amnesty decrees equally to foreign detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners (adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders), and to apply to all convicted persons article 14, paragraph 3 (d) and paragraph 5 of the International Covenant on Civil and Political Rights;

8. _Notes with concern_ the allegations of atrocities committed against Afghan soldiers, civil servants and captured civilians;

9. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

10. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity, in conformity with the Geneva Agreements;

11. Urgently appeals to all Member States and humanitarian organizations to promote the implementation of the projects envisaged by the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

12. Urges all parties concerned to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

13. Also urges all parties concerned to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

14. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-sixth session and to the Commission on Human Rights at its forty-eighth session on the situation of human rights in Afghanistan;

15. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

16. Decides to continue its consideration of the human rights situation in Afghanistan at its forty-eighth session, as a matter of high priority, under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

54th meeting
6 March 1991
[Adopted without a vote. See chap. XII.]

1991/79. Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The Commission on Human Rights,

Aware of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms for all are legitimate concerns of the world community,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging universal respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Desirous, of achieving further progress in international cooperation in the field of promoting and encouraging respect for all human rights and fundamental freedoms,

Deeply convinced that such cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Convinced further that in order to be fully effective in the field of human rights, such cooperation should also be based on an adequate knowledge of the economic, social and cultural realities of different societies and on the understanding of the diversity of problems existing in them,

Bearing also in mind the important contribution that accurate, impartial and objective information can make to achieving such knowledge and understanding,

Recalling General Assembly resolutions 32/130 of 16 December 1977, 37/200 of 18 December 1982, 41/155 of 4 December 1986 and 43/155 of 8 December 1988,

Aware of General Assembly resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 36/103 of 9 December 1981,

Aware of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity, *Underlining* the paramount responsibility of each State to promote, protect and secure the full realization of all human rights and fundamental freedoms for all and the duty that all Governments have to carry out the obligations they have undertaken under international law, especially the Charter of the United Nations, as well as various international instruments in the field of human rights, and to respect and enforce, in good faith, its domestic legislation in conformity with those instruments,

Recalling General Assembly resolution 45/163 of 18 December 1990,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples, all peoples have the right to freely determine, without external interference, their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter of the United Nations, including respect for territorial integrity;

2. *Reaffirms* that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote, encourage respect for and achieve the full realization of all human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. *Further reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

4. *Calls upon* all Member States to base their activities for the promotion, protection and full realization of all human rights and fundamental freedoms, including the development of further international cooperation in this field, on the Charter of the United Nations, the International Covenants on Human Rights and other relevant international instruments and to refrain from activities that are inconsistent with this international legal framework;

5. *Reaffirms* that such cooperation should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, to the promotion and full realization of all human rights and fundamental freedoms for all and to the strengthening of international peace and security;

6. *Underlines*, in this context, the continuing need for accurate, impartial and objective information on the political, economic and social situations and events in all countries;

7. *Recognizes* the valuable role that non-governmental organizations can play in the field of human rights;

8. Requests the Secretary-General to invite Governments to provide comments on the contents of the present resolution, to be transmitted to the Commission and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session to assist in their further examination of the question, including possible ways and means to secure that accurate, impartial and objective information on the political, economic and social situations and events in all countries is made regularly available to human rights bodies and international public opinion, with a view to making recommendations on practical measures to promote international cooperation in the field of human rights;

9. Requests Mr. Louis Joinet and Mr. Danilo Türk, Special Rapporteurs of the Sub-Commission, to comment on the contents of the present resolution in the context of their Study on the right to freedom of opinion and expression.

54th meeting
6 March 1991
[Adopted without a vote. See chap. XI.]

1991/80. Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1990/57 of 7 March 1990,

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the Plan of Action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on the recommendations submitted by Mr. Fernando Volio Jiménez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980,

Noting with satisfaction that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights,

Taking into account that the Government of Equatorial Guinea has an obligation to submit periodic reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and that its initial reports are overdue,

Mindful of the fact that, for an appropriate and valid reform of the present political Constitution to be carried out, it is not only necessary to make technical changes but also essential to secure the active participation of all political tendencies, including the opposition parties in exile, *Mindful also* that the Plan of Action proposed by the United Nations and accepted by the Government of Equatorial Guinea has not kept pace with developments and, accordingly, needs to be brought up to date and made more dynamic,

Also taking into account that the Equatorial Guinea nationals in exile who wish to return to, and be reintegrated into, the country include many qualified persons who could fill the existing gap with maximum promptness, and that the lack of trained personnel has been highlighted by the Expert, who has also recommended that the Government of Equatorial Guinea should grant a broad amnesty to all opponents of the régime who are in exile,

Considering that articles 20 and 21 of the Universal Declaration of Human Rights, article 8 of the International Covenant on Economic, Social and Cultural Rights, and article 22 of the International Covenant on Civil and Political Rights stipulate that everyone has the right to freedom of peaceful assembly and association,

Considering also that the mandate of the Expert needs to be broadened and strengthened so that he can contribute more positively to efforts for the promotion and protection of human rights and fundamental freedoms,

1. *Commends* the Expert for his report on the human rights situation in Equatorial Guinea (E/CN.4/1991/54 and Add.1 and 2);

2. *Expresses its thanks* to the Government of Spain which, in cooperation with the Centre for Human Rights, has extended assistance to the Government of Equatorial Guinea in the field of human rights;

3. *Urges* the Government of Equatorial Guinea, in accordance with the recommendation of the Expert, to establish as soon as possible the Commission to monitor implementation of the Plan of Action proposed by the United Nations and accepted by that Government, and to adopt other measures suggested for the purpose of promoting and protecting human rights, informing the Commission on Human Rights of such measures;

4. *Recommends* that the Government of Equatorial Guinea avail itself of the advisory services in the field of human rights to prepare the initial reports on the human rights situation in the country, in accordance with the recommendation of the Committee on Economic, Social and Cultural Rights at its third session (E/1989/22, para. 344 (b)), in order to fulfil its obligations as a party to the International Covenants on Human Rights;

5. *Urges* the Government of Equatorial Guinea to draw up a General Associations Act to facilitate implementation of the human rights recognized in the International Covenants on Human Rights ratified by that Government;

6. Encourages the Government of Equatorial Guinea to endeavour to facilitate the repatriation of all refugees and exiles, inter alia, by adopting measures permitting the full participation of all citizens in the country's political, economic, social and cultural affairs, thus helping to resolve the shortage of specialized personnel, as indicated in the report of the Expert;

7. Requests the Secretary-General to continue to provide such advisory services and other forms of appropriate assistance in the field of human rights as may be requested by the Government of Equatorial Guinea, especially for the purpose of codifying the basic civil and criminal laws and preparing the initial reports which Equatorial Guinea, as a party to the International Covenants on Human Rights, is required to submit to the committees established by those treaties;

8. Also requests the Secretary-General to extend the mandate of the Expert responsible for co-operating with the Government of Equatorial Guinea in the full implementation of the Plan of Action proposed by the United Nations and accepted by that Government, with a view to studying the existing situation of human rights and fundamental freedoms in Equatorial Guinea;

9. Requests the Expert to report to the Commission on Human Rights at its forty-eighth session.

54th meeting
6 March 1991
[Adopted without a vote. See chap. XXI.]

1991/81. Strengthening of the independence of the expert members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recognizing that the Sub-Commission on Prevention of Discrimination and Protection of Minorities is a body of independent experts,

Recalling the advisory opinion of the International Court of Justice of 15 December 1989, in particular paragraphs 43, 47, 50, 52, 54 and 55, which acknowledged the importance of ensuring the independence of experts in the interest of the United Nations,

Believing that situations of serious violations of human rights in certain countries which come before the Sub-Commission may require the use of a secret ballot to strengthen the independence of the membership,

Bearing in mind the opinions of the Legal Counsel of the United Nations dated 16 February 1984 and 31 July 1989, Considering that, on various occasions, the Sub-Commission has decided, in accordance with its powers, to suspend the application of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council in order to hold secret ballots on agenda items under which allegations of human rights violations in particular countries are analysed,

Bearing in mind Sub-Commission resolution 1990/4 of 23 August 1990, in which the Sub-Commission recommended to the Commission for adoption draft resolution II contained in its report on its forty-second session (see E/CN.4/1991/2, chap. I, sect. A), entitled "Footnote to rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council",

1. Takes note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/4 of 23 August 1990;

2. Proposes that the Economic and Social Council interpret the rules of procedure as they pertain to the Sub-Commission;

3. Recommends the following draft resolution to the Economic and Social Council for adoption at its first ordinary session of 1991:

[For the text, see chap. I, sect. A, draft resolution VII.]

54th meeting
6 March 1991
[Adopted by 23 votes to 4, with 15 abstentions.
See chap. XIX.]

1991/82. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Recalling its resolution 1990/79 of 7 March 1990 as well as General Assembly resolution 45/173 of 18 December 1990,

Noting the fact that the Government of the Islamic Republic of Iran has continued to provide replies to the allegations communicated to it and that the Special Representative on the situation of human rights in the Islamic Republic of Iran considers it useful to continue the exchange of information with the Government,

Noting further the findings of the Special Representative on the situation of the Baha'is in the Islamic Republic of Iran,

1. Takes note with appreciation of the interim report by the Special Representative to the General Assembly (A/45/697, annex) and his final report to the Commission on Human Rights (E/CN.4/1991/35), in particular the

conclusions and recommendations contained therein and notes with concern the allegations of human rights violations in the Islamic Republic of Iran;

2. Welcomes the full cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, which has reached its highest level, as well as the intention of the Government to continue its full cooperation with the Special Representative;

3. Calls upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

4. Takes note of the invitation extended by the Government of the Islamic Republic of Iran to the International Committee of the Red Cross to visit prisons in that country following the conclusion, as soon as possible, of an agreement in accordance with standard Red Cross modalities;

5. Endorses the view of the Special Representative that the question of displaced persons and refugees as well as victims of chemical weapons in the Islamic Republic of Iran could fall within the mandate of the Special Representative and could be covered in his report;

6. Invites the Secretary-General to respond favourably, in accordance with the normal practices of the Centre for Human Rights, to requests for technical assistance from the Government of the Islamic Republic of Iran;

7. Requests the Special Representative to maintain his contacts and cooperation with the Government of the Islamic Republic of Iran and to report on further progress with regard to the recommendations contained in his report, on the basis of his mandate pursuant to Commission on Human Rights resolution 1984/54 of 14 March 1984;

8. Also requests the Special Representative to submit a report to be considered by the Commission at its forty-eighth session; the Commission will consider the report with a view to its discontinuing the mandate if there is further progress achieved regarding his recommendations;

9. Requests the Secretary-General to give all necessary assistance to the Special Representative.

55th meeting
7 March 1991
[Adopted without a vote. See chap. XII.]

B. Decisions

1991/101. Organization of work: situation of human rights in occupied Kuwait

At its 2nd meeting, on 29 January 1991, the Commission decided, without a vote, to include in the provisional agenda for its forty-seventh session a new item 12 (b) entitled "Situation of human rights in occupied Kuwait", and to renumber the original item 12 (b) as 12 (c).

[See chap. III.]

1991/102. Organization of work: invitations

At its 2nd meeting, on 29 January 1991, the Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 5: Mr. L. M. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on Southern Africa;

(b) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on mercenaries;

(c) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture; in connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(d) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. V. Muntarbhorn, Special Rapporteur on the sale of children; Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. J.A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. P. Texier, independent Expert appointed by the Chairman of the Commission on Human Rights on the situation in Haiti; Mr. J. Voyame, Special Rapporteur on the situation of human rights in Romania; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions;

(e) In connection with item 12 (c): Mr. T. van Boven, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and an expert and representatives of States in respect of which situations are being considered under item 12 (c);

(f) In connection with item 19: Mr. D. Türk, Chairman of the forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(g) In connection with item 21: Mr. F. Volio Jiménez, Expert appointed by the Secretary-General on the situation in Equatorial Guinea;

(h) In connection with item 22: Mr. A.V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance;

(i) In connection with Commission resolution 1990/80, "Assistance to Guatemala in the field of human rights": Mr. C. Tomuschat, independent Expert appointed by the Secretary-General.

[See chap. III.]

1991/103. Organization of work: status of the Convention on the Rights of the Child

At its 18th meeting, on 8 February 1991, the Commission decided, without a vote, to replace item 24 of its agenda, entitled "Status of the Convention on the Rights of the Child" by a new item 24, which reads:

"Item 24: Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children;

(c) Programme of Action for the elimination of the exploitation of child labour;

(d) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography."

and to consider under this item any matter relating to rights of children.

[See chap. III.]

1991/104. Situation in Cambodia

At its 28th meeting, on 15 February 1991, the Commission, welcoming the endorsement by United Nations Security Council, in its resolution 668 (1990) of 20 September 1990, of the framework for a comprehensive political settlement of the Cambodian conflict, which has been accepted in its entirety by all the Cambodian parties as the basis for settling the conflict, noting with satisfaction the adoption by the General Assembly, on 15 October 1990, of resolution 45/3 on the situation in Cambodia, taking into consideration that the Paris Conference on Cambodia should be reconvened in the near future to elaborate and adopt the comprehensive political settlement and that a detailed plan of implementation be drawn up in accordance with the framework for a comprehensive political settlement, stressing that this peace process would help achieve the goal of the exercise of the right to self-determination for the Cambodian people through free and fair elections organized and conducted by the United Nations in a neutral political environment with full respect for the national sovereignty of Cambodia, recognizing the need to promote respect for and full observance of human rights of the Cambodian people and the role of the Commission on Human Rights in this regard, decided, without a vote, to keep the situation in Cambodia under review at its forty-eighth session under the same agenda item.

[See chap. IX.]

1991/105. Organization of work: situation of human rights in Guatemala

At its 39th meeting, on 25 February 1991, the Commission decided, by a roll-call vote of 21 to 16, with 5 abstentions, to consider the report of the independent Expert on the situation of human rights in Guatemala under agenda item 21.

[See chap. III.]

1991/106. Question of human rights in Cyprus

At its 44th meeting, on 27 February 1991, the Commission decided, without a vote, that the debate under agenda item 12 (a) "Question of human rights in Cyprus" be postponed to the forty-eighth session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]

1991/107. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

At its 52nd meeting, held on 5 March 1991, the Commission, recalling its decision 1989/104 of 6 March 1989, by which it decided to defer until its forty-seventh session the consideration of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was submitted by Costa Rica on 6 March 1980 and is designed to establish a system of visits to be carried out by a committee of experts to places of detention within the jurisdiction of the States parties to the protocol, and in which it had considered that such a protocol could represent a major step forward towards the effective prevention of torture, having noted that the Special Rapporteur on the question of torture, Mr. P. Kooijmans, has recommended the establishment of such a treaty-based mechanism of inspection (see E/CN.4/1991/17, paras. 295-300), having taken note of the draft optional protocol as updated and submitted by Costa Rica on 22 January 1991 (see E/CN.4/1991/66), noting that the updated draft optional protocol takes account, on the one hand, of the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the experience gained by the Committee against Torture and, on the other hand, of the entry into force on 1 February 1989 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or

Punishment, also noting that the draft is compatible with similar regional mechanisms, affirming its interest in the draft optional protocol, decided, without a vote, in order to give States an opportunity to study it, to consider the draft optional protocol at its forty-eighth session as a specific sub-item entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" under the item: "Question of the human rights of all persons subjected to any form of detention or imprisonment".

[See chap. X.]

1991/108. Question of human rights and states of emergency

At its 52nd meeting, on 5 March 1991, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/19 of 30 August 1990, decided, without a vote, to recommend to the Economic and Social Council the following draft decision:

[For the text, see chap. I, sect. B, draft decision 30.]

[See chap. X.]

1991/109. Guidelines for a revised provisional agenda for the forty-ninth session

At its 56th meeting, on 8 March 1991, the Commission, convinced that a restructuring of its agenda will contribute to an increase in the effectiveness of its work and aware that a restructuring of the agenda aims at presenting the items in a more coherent manner, without prejudice to the organization of work to be determined by the Commission under its agenda item 3, without a vote, took note of the guidelines for a revised provisional agenda as annexed, requested the Secretary-General to prepare a working document containing a draft provisional agenda for the forty-ninth session prepared on the basis of those guidelines for discussion during the forty-eighth session, and requested the Bureau of the forty-eighth session of the Commission to propose to the Commission the ways in which said discussion will take place.

[See chap. III.]

ANNEX

Guidelines for a revised provisional agenda for the forty-ninth session

Opening matters

1. Election of officers

2. Adoption of the agenda

3. Organization of the work of the session

Situations

4. Occupied Arab territories, including Palestine (4)

5. Self-determination (9)

6. South Africa, apartheid and racism (5, 6, 15, 16)

Issues

7. Economic, social and cultural rights (7)

8. Right to development (8)

9. Status of Covenants (17)

10. Treaty bodies (18)

11. Biennial issues: youth or totalitarian ideologies (21)

Country procedures

12. Confidential procedure under Economic and Social Council Resolution 1503 (XLVIII) of 27 May 1970 (12)

13. Public country procedures (12)

Thematic issues and procedures

14. Disappearances (10 (c))

15. Torture (10 (a) and (b))

16. Summary executions (12)

17. Mercenaries (9)

18. Religious intolerance (22)

19. Rights of the child (24)

Standard setting

20. Protection of detainees: (a) independence of the judiciary (10); (b) administration of justice (10); (c) use of force by officials (10); (d) detention of international civil servants (10); (e) principles for mental illness (14)

21. Migrant workers (13)

22. Science and technology (14)

23. Minorities (20)

24. Rights and responsibilities declaration (24)

Further promotion of human rights

25. Studies and research: report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (19)

26. Advisory services (22)

27. Encouragement: (a) alternative approaches (11 (a)); (b) national institutions (11 (b)); (c) role of the Centre for Human Rights (11 (c))

Closing matters

28. Sub-Commission elections (biennially)

29. Draft agenda (26)

30. Adoption of the report (27)

1991/110. Organization of the work of the forty-eighth session

At its 56th meeting, on 8 March 1991, the Commission, taking into account its heavy schedule of work and that of its sessional working groups, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to forty-seventh sessions, decided, without a vote: (a) to recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 40 fully-serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Council, for the Commission's forty-eighth session; and (b) to request the Chairman of the Commission at its forty-eighth session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

III. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its forty-seventh session at the United Nations Office at Geneva from 28 January to 8 March 1991. It held 56 meetings (E/CN.4/1991/SR.1-56) 2/ during the session.

2. The session was opened by Mrs. Purificación V. Quisumbing (Philippines), Chairwoman of the Commission at its forty-sixth session, who made a statement. The Under-Secretary-General for Human Rights also addressed the Commission at its 1st meeting.

B. Attendance

3. The session was attended by representatives of States Members of the Commission, by observers from other States Members of the United Nations, by observers from non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I to the present report.

C. Election of officers

4. At its 1st meeting, on 28 January 1991, the Commission elected the following officers by acclamation:

Chairman: Mr. E. Bernales Ballesteros (Peru)

Vice-Chairmen: Mr. Goetz-Alexander Martius (Germany)
Mr. Kojo Amoo-Gottfried (Ghana)
Mr. Vladimir A. Vasilenko (Ukrainian Soviet Socialist Republic)

Rapporteur: Mr. Masahiro Tauchi (Japan)

D. Agenda

5. Also at its 1st meeting, the Commission had before it the provisional agenda for the forty-seventh session (E/CN.4/1991/1 and Add.1 and 2), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Commission at its forty-sixth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. At the same meeting, the representative of Iraq made a statement regarding the adoption of the provisional agenda.

7. The observer for Kuwait also made a statement with regard to the provisional agenda.

8. At its 2nd meeting, on 29 January 1991, the Commission considered the provisional agenda, together with an amendment submitted by the officers proposing to introduce a new item 12 (b) entitled "Situation of human rights in occupied Kuwait", and to renumber as 12 (c) former item 12 (b).

9. The representative of Iraq made a statement regarding the adoption of the provisional agenda.

10. At the same meeting, the Commission adopted the amendment to the provisional agenda without a vote.

11. For the text of the decision, see chapter II, section B, decision 1991/101.

12. The agenda, as amended, was adopted without a vote. For the text of the agenda as adopted see annex II to the present report.

13. At its 18th meeting, on 8 February 1991, upon the recommendation of its officers, the Commission decided without a vote to replace item 24 of its agenda, entitled "Status of the Convention on the Rights of the Child" by a new item 24, which reads:

> "Item 24: Rights of the child, including:
>
> (a) Status of the Convention on the Rights of the Child;
>
> (b) Report of the Special Rapporteur on the sale of children;
>
> (c) Programme of Action for the elimination of the exploitation of child labour;
>
> (d) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography;"

and to consider under this item any matter relating to the rights of children.

14. The Commission further agreed to consider the new agenda item 24 after item 21 and before item 19.

15. For the text of the decision, see chapter II, section B, decision 1991/103.

E. Organization of work

16. At its 2nd meeting, on 29 January 1991, the Commission considered the organization of its work.

17. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers that the following agenda items should be considered concurrently: items 4 and 9; items 5, 6, 15 and 16; items 7, 8, 17 and 18. The Commission further agreed to consider the agenda items in the following order: 4, 9; 5, 6, 15, 16; 7, 8, 17, 18; 11; 10; 22; 12 (c); 12; 14; 21; 19; 13; 20; 23; 24; 25; 26; and 27.

18. The Commission subsequently decided to consider item 22 after item 14 and before item 21.

19. The Commission approved a maximum of 10 fully serviced meetings for the Working Group on Minorities and also approved two additional meetings for the open-ended working group on the draft body of principles for the protection of persons with mental illness and for the improvement of mental health care.

20. At the same meeting, with respect to its resolution 1990/80, "Assistance to Guatemala in the field of human rights", the Commission accepted the recommendation of its officers to postpone deciding under which item the question would be considered.

21. At its 39th meeting, on 25 February 1991, the Commission resumed discussion as to the item under which the question of Guatemala should be considered.

22. The representative of Venezuela made a proposal, supported by the representatives of Argentina and Colombia, that the question be considered under item 21 of the agenda.

23. The representative of France made a further proposal, supported by the representatives of Belgium, Canada and Panama, that the question be considered under item 12 of the agenda.

24. The representatives of Mexico and Peru, suggested, in accordance with rule 65 of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission vote on the proposals in the order in which they had been made.

25. With regard to the vote on the Venezuelan proposal, the representatives of Belgium and France made statements in explanation of vote before the vote.

26. At the request of the representative of Venezuela, a roll-call vote was taken on the proposal made by his delegation. The proposal was adopted by 21 votes to 16, with 5 abstentions. The voting was as follows:

In favour: Argentina, Brazil, Burundi, China, Colombia, Gambia, India, Indonesia, Iraq, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Peru, Philippines, Senegal, Somalia, Swaziland, Venezuela, Yugoslavia.

Against: Australia, Austria, Belgium, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Panama, Portugal, Sweden, Ukrainian Soviet Socialist Republic, United States of America, Zambia.

Abstaining: Cuba, Cyprus, Ethiopia, Ghana, Union of Soviet Socialist Republics.

27. Statements in explanation of vote after the vote were made by the representatives of Australia, Cuba, Czechoslovakia, Panama, Peru, Senegal, Somalia and Zambia.

28. For the text of the decision, see chapter II, section B, decision 1991/105.

29. Also at its 2nd meeting, the Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 15 minutes or two statements of 10 minutes per item. Observers and non-governmental organizations were limited to one statement of 10 minutes per item, while observer States mentioned in a report and liberation movements could make one statement of 15 minutes or two statements of 10 minutes per item. It was also agreed that, with regard to rights of reply, the practice followed by the General Assembly, namely a limitation of two replies, 10 minutes for the first and 5 minutes for the second, would be observed.

30. At its 11th meeting, on 5 February 1991, the Commission accepted the recommendation of its officers to revise the duration of rights of reply, limiting it to five minutes for the first and three minutes for the second.

31. Also at its 2nd meeting, upon the recommendation of its officers, the Commission decided to invite the following persons to participate in the meetings at which their reports were to be considered:

(a) In connection with item 5: Mr. L.M. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on Southern Africa;

(b) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on mercenaries;

(c) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture; in connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(d) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. V. Muntarbhorn, Special Rapporteur on the sale of children (at its 18th meeting, on 8 February 1991 (see paras. 13 to 15 above), the Commission decided to consider this subject under a reformulated item 24 entitled "Rights of the child"); Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. J.A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. P. Texier, independent Expert appointed by the Chairman of the Commission on Human Rights on the situation in Haiti; Mr. J. Voyame, Special Rapporteur on the situation of human rights in Romania; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions;

(e) In connection with item 12 (c): Mr. T. van Boven, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and an expert and representatives of States in respect of which situations were being considered under item 12 (c);

(f) In connection with item 19: Mr. D. Türk, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session;

(g) In connection with item 21: Mr. F. Volio Jiménez, Expert appointed by the Secretary-General on the situation in Equatorial Guinea;

(h) In connection with item 22: Mr. A.V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance;

(i) In connection with Commission resolution 1990/80, "Assistance to Guatemala in the field of human rights": Mr. C. Tomuschat, independent Expert appointed by the Secretary-General.

32. For the text of the decision, see chapter II, section B, decision 1991/102.

33. At the 56th meeting, on 8 March 1991, the representative of Belgium introduced draft decision E/CN.4/1991/L.69 with the following oral revision:

> After the words "its agenda item 3", replace "requests the Secretary-General, in consultation with the Bureau during its forty-eighth session, to submit to the Commission at its forty-ninth session a revised draft provisional agenda structured along the lines indicated in the annex to the present decision" by a new text.

34. Statements concerning the draft decision were made by the representatives of Belgium, China, Cuba, Mexico, Peru, Senegal and the Union of Soviet Socialist Republics.

35. The representatives of China moved, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, to postpone consideration of the draft decision. The representative of China subsequently withdrew his motion.

36. Draft decision E/CN.4/1991/L.69, as orally revised, was adopted without a vote.

37. For the text as adopted, see chapter II, section B, decision 1991/109.

38. Also at the 56th meeting, the Chairman of the Commission orally proposed a draft decision concerning the organization of work for the forty-eighth session of the Commission.

39. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of the draft decision in a statement by the Secretary of the Commission.

40. The draft decision was adopted without a vote.

41. For the text as adopted, see chapter II, section B, decision 1991/110.

F. Meetings, resolutions and documentation

42. Of the 56 meetings held by the Commission, 9 were extended to the equivalent of 13 additional meetings. The working groups established by the Commission also held meetings, these were equivalent to 28 additional meetings.

43. The resolutions and decisions adopted by the Commission at its forty-seventh session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

44. Annex III contains estimates of the administrative and programme budget implications of the Commission's resolutions and decisions prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

45. Annex IV contains a list of documents issued for the forty-seventh session of the Commission.

G. Visits

46. At the 3rd meeting, on 30 January 1991, the Minister for Foreign Affairs of Colombia, Mr. Luis Fernando Jaramillo, addressed the Commission.

47. At the 5th meeting, on 31 January 1991, the Vice-President of the Government and Minister for Foreign Affairs of the Grand Duchy of Luxembourg, Mr. Jacques Poos, addressed the Commission on behalf of the Council of Ministers of the European Communities. At the 8th meeting, on 1 February 1991, the representative of Iraq made a statement in exercise of the right of reply. At the 9th meeting, on 4 February 1991, the representative of the United States of America and the observer for the

United Kingdom of Great Britain and Northern Ireland made statements in exercise of the right of reply or its equivalent to the statement by the representative of Iraq.

48. Also at the 9th meeting, the Minister for Foreign Affairs of Sweden, Mr. Sten Andersson addressed the Commission. At the 10th meeting, on 4 February 1991, the representative of Iraq made a statement in exercise of the right of reply. At the same meeting, the observer for the United Kingdom of Great Britain and Northern Ireland made a statement equivalent to the right of reply to the statement made by the representative of Iraq. At the same meeting, the representative of Iraq made another statement in exercise of the right of reply to the statement made by the observer for the United Kingdom. At the 11th meeting, on 5 February 1991, the representative of Japan made a statement in exercise of the right of reply to the statement made by the representative of Iraq. At the 12th meeting, on 5 February 1991, the observer for Kuwait made a statement equivalent to the right of reply to the statement made by the representative of Iraq.

49. At the 11th meeting, the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, Mr. Lennox M. Boyd, addressed the Commission. At the same meeting, the representative of Iraq made a statement in exercise of the right of reply. At the 12th meeting, the observer for the United Kingdom of Great Britain and Northern Ireland made a statement equivalent to the right of reply to the statement made by the representative of Iraq.

50. At the 14th meeting, on 6 February 1991, the Chairman of the Supreme Soviet of the Ukrainian Soviet Socialist Republic, Mr. Leonid M. Kravchuk, addressed the Commission.

51. At the 17th meeting, on 8 February 1991, the Minister for Foreign Affairs of Norway, Mr. Thorvald Stoltenberg, addressed the Commission. At the same meeting, the representative of Iraq made a statement in exercise of the right of reply.

52. At the 19th meeting, on 11 February 1991, a member of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, Mr. Anatoly A. Denissov, addressed the Commission.

53. At the 27th meeting, on 15 February 1991, the Minister for Justice of Rwanda, Mr. Sylvestre Nsanzimana, addressed the Commission.

54. At the same meeting, the Minister for Foreign Affairs of Romania, Mr. Adrian Nastase, addressed the Commission.

55. At the 29th meeting, on 18 February 1991, the Minister for Foreign Affairs of Hungary, Mr. Géza Jeszenszky, addressed the Commission. At

the same meeting, the representatives of Cuba and Iraq made statements in exercise of the right of reply. At the 31st meeting, on 19 February 1991, the representative of Hungary made a statement in exercise of the right of reply to the statements made by the representatives of Cuba and Iraq.

56. At the 30th meeting, on 18 February 1991, the Minister in charge of Human Rights and Special Adviser of the Political Committee of the Revolutionary Council of Sudan, Mr. Abed Al Samie Omer, addressed the Commission.

57. At the 33rd meeting, on 20 February 1991, the Vice-Prime Minister and Special Counsellor to the President for Security Matters of the Republic of Zaire, Mr. Nimy Mayidika Ngimbi, addressed the Commission.

58. At the 34th meeting, on 20 February 1991, the Minister for Foreign Affairs of Uruguay, Mr. Hector Gros Espiell, addressed the Commission.

59. At the 35th meeting, on 21 February 1991, the Minister for Planning of Kuwait, Mr. Sulaiman Al-Mutawa'a, addressed the Commission.

60. At the 36th meeting, on 21 February 1991, the Minister responsible to the Minister of State, Ministry for Foreign Affairs of France, Mrs. Edwige Avice, addressed the Commission. At the same meeting, the representative of Iraq made a statement in exercise of the right of reply.

61. At the 41st meeting, on 26 February 1991, the Vice-Minister for Foreign Affairs of Chile, Mr. Edmundo Vargas Carreño, addressed the Commission. At the same meeting, the representatives of Mexico, Senegal and the observer for Spain made statements in connection with the Vice-Minister's speech.

62. At the 46th meeting, on 28 February 1991, the Vice-Minister for Foreign Affairs of Guatemala, Mr. Haroldo Rogas Melgar, addressed the Commission.

63. At the 49th meeting, on 4 March 1991, the Minister for Foreign Affairs of Angola, Mr. Pedro de Castro Van-Dúnem, addressed the Commission.

64. At the 51st meeting, on 5 March 1991, the Minister for Foreign Affairs of Paraguay, Mr. Alexis Frutos Vaeskan, addressed the Commission.

65. At the same meeting, the Minister for Foreign Affairs of Haiti, Mrs. Marie-Denise Fabien Jean-Louis, addressed the Commission.

H. Other matters

66. At the 8th meeting, on 1 February 1991, the Chairman of the Commission made a statement as follows:

> "The Chairman of the Commission has taken note of the information received on the present situation of the civilian population in the territories occupied by Israel, as a result of the severe curfew imposed in these territories since 17 January 1991.
>
> This is said to have caused further deterioration in the situation of the population, especially as regards supplies of food and medicine.
>
> Therefore, the Chairman expresses his deep concern about the situation of the civilian population and appeals to the Israeli authorities, on urgent humanitarian grounds, to put an end to this situation."

67. At the 10th meeting, on 4 February 1991, the Chairman made another statement clarifying his statement of 1 February 1991 as follows:

> "Last Friday, 1 February, in the afternoon, the Chairman of the Commission on Human Rights made a statement with regard to the situation of the civilian population in the occupied Arab territories.
>
> Since then, the Chairman has received expressions of concern from some delegations about the procedure adopted.
>
> In this connection, I wish to point out that the statement was made in a personal capacity and in an urgent humanitarian context. Consequently, the intention was not nor cannot be interpreted as any change whatsoever in the practice or procedures governing the work of the Commission.
>
> The Chairman can assure you that, before any statement is made, consultation with the regional groups will be the democratic practice followed by the Chair and the Bureau."

68. At the 42nd meeting, on 26 February 1991, the representative of the Union of Soviet Socialist Republics made a statement concerning the situation of human rights in Lithuania and Latvia, which was followed by a statement by the Chairman of the Commission as follows:

> "The Commission on Human Rights noted the positive developments in the Soviet Union towards greater respect for human rights and fundamental freedoms; expressed grave concern over the recent tragic acts of violence involving violations of human rights including the right to life, to freedom of information and to take part in the conduct of public affairs, bearing in mind the provisions contained in the Code of Conduct

for Law Enforcement Officials adopted by the General Assembly in 1979 and in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990; welcomed the announced decision of the Government of the Soviet Union to conduct a thorough investigation of these events and to bring to justice those responsible; noted the readiness of the Government of the Soviet Union to communicate without delay to the Chairman of the Commission the results of this investigation; taking note of unresolved problems in the field of human rights in Lithuania and Latvia, urged the authorities concerned to ensure that human rights and fundamental freedoms are fully enjoyed, without discrimination, in Latvia and Lithuania."

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

69. The Commission considered agenda item 4 at its 2nd and 3rd meetings, on 29 and 30 January; it continued its consideration of the item, concurrently with item 9 (see chap. IX), at its 4th to 11th meetings, from 30 January to 5 February, and at its 28th meeting, on 15 February 1991. 2/

70. The Commission had before it the following documents:

Reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories: note by the Secretary-General (in pursuance of General Assembly resolution 44/48 A) (A/45/84, A/45/306 and A/45/576);

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories: note by the Secretary-General (in pursuance of General Assembly resolution 45/74 A) (A/46/65);

Report of the Secretary-General (E/CN.4/1991/6);

Note by the Secretary-General (E/CN.4/1991/7);

Letter dated 2 October 1990 from the Chargé d'affaires of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/8);

Letters dated 8 and 30 October, 27 November and 18 December 1990 and 30 January 1991 from the Permanent Observer of Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/60, E/CN.4/1991/61, E/CN.4/1991/62, E/CN.4/1991/65 and E/CN.4/1991/67).

71. In the general debate on item 4, statements 3/ were made by the following members of the Commission: Argentina (8th), Australia (8th), Austria (6th), Bangladesh (3rd), Brazil (8th), Canada (9th), China (3rd), Cuba (7th), Cyprus (4th), Czechoslovakia (7th), Hungary (8th), India (5th), Indonesia (8th), Japan (8th), Mauritania (4th), Morocco (2nd), Pakistan (5th), Philippines (9th), Senegal (6th), Sweden (7th), Ukrainian Soviet Socialist Republic (9th), Union of Soviet Socialist Republics (7th), United States of America (7th), Yugoslavia (3rd), Zambia (7th).

72. The Commission also heard statements by the observers for: Algeria (7th), Angola (9th), Bahrain (6th), Egypt (3rd), Israel (7th), Jordan (5th), Kuwait (2nd), Libyan Arab Jamahiriya (5th), Luxembourg (on behalf of the European Community and its member States) (7th), Nigeria (7th), Oman (6th), Saudi Arabia (5th), Sudan (2nd), Syrian Arab Republic (3rd), Tunisia (5th), Turkey (3rd), United Arab Emirates (5th), United Republic of Tanzania (10th).

73. A statement was made by the Observer for Palestine (2nd).

74. The Commission also heard statements by the following non-governmental organizations: Amnesty International (2nd), Arab Organization for Human Rights (3rd), International Association of Democratic Lawyers (11th), International Commission of Jurists (2nd), International League for the Rights and Liberation of Peoples (5th), International Organization for the Elimination of All Forms of Racial Discrimination (11th), Parliamentary Association for Euro-Arab Co-operation (7th), Pax Christi (8th), Union of Arab Jurists (11th), World Confederation of Labour (8th), World Federation of Trade Unions (3rd), World Union for Progressive Judaism (4th).

75. At its 28th meeting, on 15 February 1991, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

76. The representative of Pakistan introduced two draft resolutions, A and B (E/CN.4/1991/L.2), sponsored by Bangladesh, China, Cuba, Ghana, India, Indonesia, Iraq, Madagascar, Mauritania, Morocco, Pakistan, Senegal, Somalia, the Ukrainian Soviet Socialist Republic and Yugoslavia. Algeria*, Cyprus, Egypt*, Jordan*, Qatar*, Saudi Arabia*, Tunisia*, the United Arab Emirates* and Zambia subsequently joined the sponsors.

77. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution A, which was adopted by 28 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Brazil, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Indonesia, Iraq, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Philippines, Senegal, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: United States of America.

Abstaining: Australia, Belgium, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Portugal.

78. The representatives of Burundi and Peru subsequently indicated that, had they been present for the voting, they would have voted in favour of the draft resolution.

79. For the text as adopted, see chapter II, section A, resolution 1991/1 A.

80. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution B, which was adopted by 26 votes to 1, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Indonesia, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Philippines, Senegal, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Portugal.

81. The representatives of Burundi, Iraq and Peru subsequently indicated that, had they been present for the voting, they would have voted in favour of the draft resolution.

82. For the text as adopted, see chapter II, section A, resolution 1991/1 B.

83. Statements in explanation of vote after the vote on resolutions 1991/1 A and B were made by the representatives of Australia, Austria, Brazil, Canada, Czechoslovakia, Hungary, Italy (on behalf of member States of the European Community which are members of the Commission), Japan, Sweden and Venezuela.

84. Also at the same meeting, the representative of Indonesia introduced draft resolution E/CN.4/1991/L.3, sponsored by Algeria*, Cuba, Egypt*, Iraq, Jordan*, Kuwait*, Lebanon*, Libyan Arab Jamahiriya*, Mauritania, Senegal, the Syrian Arab Republic*, Tunisia*, the Ukrainian Soviet Socialist Republic, United Arab Emirates* and the Union of Soviet Socialist Republics. Bangladesh, India, Indonesia, Qatar*, Madagascar, Morocco, Pakistan, the Sudan*, Yugoslavia and Zambia subsequently joined the sponsors.

85. In introducing the draft resolution, the representative of Indonesia orally revised paragraph 4 by replacing the word "colonialist" by "settlement".

86. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1991/L.3. The draft resolution, as orally revised, was adopted by 32 votes to 1, with 8 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Czechoslovakia, Ethiopia, Gambia, Ghana, Hungary, India, Indonesia, Iraq, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Peru, Philippines, Senegal, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: United States of America.

Abstaining: Australia, Belgium, Canada, France, Germany, Italy, Japan, Portugal.

87. Statements in explanation of vote after the vote were made by the representatives of Austria, Brazil, Canada, Italy (on behalf of member States of the European Community which are members of the Commission), Japan and Venezuela.

88. For the text as adopted, see chapter II, section A, resolution 1991/2.

89. At the same meeting, the observer for Luxembourg introduced draft resolution E/CN.4/1991/L.7, sponsored by Austria, Belgium, the Byelorussian Soviet Socialist Republic*, Colombia, Cyprus, Czechoslovakia, Denmark*, Egypt*, France, Germany, Ghana, Greece*, Hungary, Indonesia, Ireland*, Italy, Japan, Lebanon*, Luxembourg*, Malaysia*, Morocco, the Netherlands*, New Zealand*, Portugal, Spain*, Sweden, Turkey*, the United Kingdom of Great Britain and Northern Ireland*, the Union of Soviet Socialist Republics and Yugoslavia. Australia, Bangladesh, India, Jordan*, Pakistan, the Ukrainian Soviet Socialist Republic and Zambia subsequently joined the sponsors.

90. A statement relating to the draft resolution was made by the observer for Israel.

91. At the request of the representative of the United States of America, a vote was taken on draft resolution E/CN.4/1991/L.7. The draft resolution was adopted by 38 votes to none, with 1 abstention.

92. Statements in explanation of vote after the vote were made by the representatives of Brazil and Venezuela.

93. For the text as adopted, see chapter II, section A, resolution 1991/3.

V. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

94. The Commission considered agenda item 5 concurrently with items 6, 15 and 16 (see chaps. VI, XV and XVI) at its 12th to 17th meetings, from 5 to 8 February, at its 38th meeting, on 22 February, and at its 47th and 48th meetings, on 1 March 1991. 2/

95. The Commission had before it the following documents:

Reports by the Secretary-General on the torture and inhuman treatment of children in detention in South Africa (A/45/615 and E/CN.4/1991/9);

Final report of the Ad Hoc Working Group of Experts on southern Africa prepared in accordance with Commission on Human Rights resolutions 1990/11 and 1990/26 and Economic and Social Council decision 1990/228 (E/CN.4/1991/10).

96. At the 14th meeting, on 6 February 1991, Mr. Felix Ermacora, member of the Ad Hoc Working Group of Experts on southern Africa, introduced the final report of the Working Group (E/CN.4/1991/10), in the absence of its Chairman-Rapporteur, Mr. Leliel Mikuin Balanda.

97. In the general debate on item 5, statements 3/ were made by the following members of the Commission: Argentina (12th), Australia (16th), Austria (15th), Brazil (15th), Burundi (13th), Canada (13th), China (12th), Cuba (16th), Cyprus (16th), Czechoslovakia (15th), Ethiopia (16th), France (15th), Ghana (12th), Hungary (13th), India (16th), Indonesia (15th), Iraq (15th), Japan (15th), Mauritania (14th), Mexico (13th), Morocco (16th), Peru (12th), Philippines (16th), Senegal (15th), Sweden (on behalf of Denmark*, Finland*, Iceland*, Norway* and Sweden) (14th), Ukrainian Soviet Socialist Republic (15th), Union of Soviet Socialist Republics (14th), United States of America (15th), Venezuela (13th), Yugoslavia (16th), Zambia (16th).

98. The Commission also heard statements by the observers for: Algeria (16th), Cameroon (14th), Egypt (13th), Kenya (14th), Libyan Arab Jamahiriya (16th), Luxembourg (on behalf of the European Community and its member States) (17th), Nigeria (12th), Sudan (16th), Syrian Arab Republic (16th), Tunisia (16th), United Republic of Tanzania (16th), Zaire (16th).

99. A statement was also made by the observer for the Pan Africanist Congress of Azania (12th).

100. The Commission heard statements from the following non-governmental organizations: Amnesty International (12th), International Association against Torture (17th), International Commission of Jurists (17th), International Confederation of Free Trade Unions (12th), International

Federation of Human Rights (12th), Minority Rights Group (13th), World Confederation of Labour (17th), World Federation of Trade Unions (17th).

101. At its 38th meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 5.

102. The representative of Ghana introduced draft resolution E/CN.4/1991/L.21, sponsored by Algeria*, Burundi, China, Cuba, Egypt*, Ethiopia, the Gambia, Ghana, India, Mauritania, Morocco, Nigeria*, Senegal, Swaziland, Tunisia*, the Union of Soviet Socialist Republics, Yugoslavia, Zambia and Zimbabwe*. Indonesia subsequently joined the sponsors.

103. The draft resolution was adopted without a vote.

104. Subsequently, the representative of the United States of America made a statement to the effect that had there been a vote, his delegation would not have participated.

105. For the text as adopted, see chapter II, section A, resolution 1991/8.

106. At the 47th meeting, the representative of Ghana introduced, on behalf of the United Republic of Tanzania*, draft resolution E/CN.4/1991/L.22, sponsored by Cameroon*, China, Cuba, Egypt*, Ethiopia, the Gambia, Ghana, India, Kenya*, the Libyan Arab Jamahiriya*, Morocco, Nigeria*, Senegal, Tunisia* and Yugoslavia. Burundi, the Islamic Republic of Iran*, the Syrian Arab Republic* and the United Republic of Tanzania* subsequently joined the sponsors. Algeria*, Angola*, Zambia and Zimbabwe* withdrew their sponsorship of the draft resolution.

107. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.22 in a statement by the Secretary of the Commission.

108. The draft resolution was adopted without a vote.

109. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of: Canada (47th), Germany (47th), Portugal (48th), Senegal (48th), United States of America (47th), Zambia (48th).

110. At the 48th meeting, on 1 March 1991, in connection with the resolution adopted, statements were also made by the representative of Sweden and the observer for Algeria.

111. For the text as adopted, see chapter II, section A, resolution 1991/21.

VI. THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA

112. The Commission considered agenda item 6 concurrently with items 5, 15 and 16 (see chaps. V, XV and XVI) at its 12th to 17th meetings, from 5 to 8 February, at its 38th meeting on 22 February 1991 and at its 47th meeting, on 1 March 1991. 2/

113. The Commission had before it an updated report on banks, transnational corporations and other organizations assisting the racist régime of South Africa, prepared by Mr. A. Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/13 and Add.1).

114. In the general debate on item 6, statements 3/ were made by the following members of the Commission: Bangladesh (12th), Burundi (13th), Canada (13th), China (12th), Cuba (16th), Ghana (12th), India (16th), Indonesia (15th), Iraq (15th), Japan (15th), Mauritania (14th), Mexico (13th), Morocco (16th), Peru (12th), Senegal (15th), Ukrainian Soviet Socialist Republic (15th), Venezuela (13th) Yugoslavia (16th), Zambia (16th).

115. The Commission also heard statements by the observers for: Algeria (16th), Egypt (13th), Libyan Arab Jamahiriya (16th), Nigeria (12th), Sudan (16th), Syrian Arab Republic (16th), Tunisia (16th).

116. Statements were also made by the following non-governmental organizations: World Confederation of Labour (17th), World Union for Progressive Judaism (14th).

117. At its 38th meeting, the Commission took up consideration of the draft resolutions submitted under item 6.

118. The Commission had before it draft resolution I recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1991/2, chap. I, section A).

119. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (see E/CN.4/1991/2, annex III) 1/ of draft resolution I.

120. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution I. The draft resolution was adopted by 28 votes to 13, with 1 abstention. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Ethiopia, Ghana, India, Indonesia, Iraq, Mauritania, Mexico, Morocco, Pakistan, Panama, Peru, Philippines, Senegal, Somalia, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: Australia, Austria, Belgium, Canada, Czechoslovakia, France, Gambia, Germany, Italy, Japan, Portugal, Sweden, United States of America.

Abstaining: Hungary.

121. A statement in explanation of vote after the vote was made by the representative of Czechoslovakia.

122. The representative of Gambia subsequently indicated that she had intended to vote in favour of draft resolution I.

123. For the text as adopted, see chapter II, section A, resolution 1991/9.

124. At the 47th meeting, the representative of Egypt introduced draft resolution E/CN.4/1991/L.23/Rev.1, sponsored by Angola*, Bangladesh, Cuba, Egypt*, Gabon*, the Gambia, Ghana, India, Indonesia, Kenya*, Kuwait*, the Libyan Arab Jamahiriya*, Mauritania, Morocco, Myanmar*, Nigeria*, Pakistan, Rwanda*, the Sudan*, the Syrian Arab Republic*, Togo*, Tunisia*, the United Republic of Tanzania*, Zambia and Zimbabwe*. Somalia subsequently joined the sponsors.

125. The delegation of the United States of America requested that a roll-call vote be taken on the draft. The draft resolution was adopted by 25 votes to 13, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Indonesia, Iraq, Mauritania, Mexico, Morocco, Pakistan, Peru, Philippines, Senegal, Swaziland, Venezuela, Yugoslavia, Zambia.

Against: Australia, Austria, Belgium, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Portugal, Sweden, United States of America.

Abstaining: Panama, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

126. Statements in explanation of vote after the vote were made by the representatives of Czechoslovakia, Japan and the United States of America.

127. For the text as adopted, see chapter II, section A, resolution 1991/17.

VII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION OF THE RIGHT TO DEVELOPMENT; (b) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

128. The Commission considered agenda item 7 concurrently with items 8, 17 and 18 (see chaps. VIII, XVII and XVIII) at its 17th to 21st meetings, from 8 to 12 February, at its 38th meeting, on 22 February, at its 47th meeting, on 1 March 1991. 2/

129. The Commission had before it the following documents:

Report of the Secretary-General on a study regarding the question of the extent to which the right to popular participation has been established and has evolved at the national level (E/CN.4/1991/11);

Progress report prepared by Mr. Danilo Türk, Special Rapporteur, on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1990/19).

Written statements submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/6 and E/CN.4/1991/NGO/7);

Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/12);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/1991/NGO/28);

Written statement submitted by the International Council of Women, the World Federation of Trade Unions and Zonta International, non-governmental organizations in consultative status (category I); Caritas Internationalis, the Conference of European Churches, the International Abolitionist Federation, the International Association of Juvenile and Family Court Magistrates, the International Centre of Sociological, Penal and Penitentiary Research and Studies, the

International Commission of Jurists, the International Council of Jewish Women, the International Federation of Social Workers, the International Federation of Women in Legal Careers, the International Federation of Women Lawyers, the International Federation-Terre des Hommes, the International Fellowship of Reconciliation, the International Movement ATD Fourth World, the International Movement for Fraternal Union among Races and Peoples, the International Organization for the Elimination of All Forms of Racial Discrimination, the Medical Women's International Association, Pax Christi, Pax Romana, the Salvation Army, the World Association of Girl Guides and Girl Scouts, the World Federation of Methodist Women, the World Movement of Mothers and the World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (category II); and the World Federation of Public Health Associations, a non-governmental organization on the roster (E/CN.4/1991/NGO/37);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/39).

130. In the general debate on item 7, statements 3/ were made by the following members of the Commission: Argentina (21st), Australia (18th), Austria (20th), Belgium (20th), Brazil (20th), Colombia (20th), Cuba (21st), Czechoslovakia (20th), France (19th), Gambia (18th), Ghana (20th), India (19th), Indonesia (19th), Italy (20th), Madagascar (20th), Mauritania (20th), Mexico (20th), Morocco (21st), Peru (20th), Philippines (20th), Portugal (20th), Senegal (19th), Sweden (20th), Ukrainian Soviet Socialist Republic (20th), Union of Soviet Socialist Republics (17th), Venezuela (18th), Yugoslavia (20th), Zambia (20th).

131. The Commission also heard statements by the observers for: Byelorussian Soviet Socialist Republic (20th), Ecuador (19th), Netherlands (20th), Nigeria (21st), Rwanda (20th), Sudan (21st), Tunisia (21st), United Kingdom of Great Britain and Northern Ireland (21st).

132. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (19th), Andean Commission of Jurists (21st), Christian Democratic International (18th), International Association against Torture (20th), International Confederation of Free Trade Unions (20th), International Federation of Human Rights (18th), International Fellowship of Reconciliation (18th), International League for the Rights and Liberation of Peoples (18th), International Movement ATD Fourth World (18th), International Organization for the Elimination of All Forms of Racial Discrimination (20th), Minority Rights Group (20th), Pax Romana (21st), Union of Arab Jurists (21st), World Conference on Religion and Peace (19th), World Federation of Trade Unions (19th).

133. A statement in exercise of the right of reply was made by the representative of Yugoslavia (20th).

134. At its 38th meeting, the Commission took up consideration of the draft resolutions submitted under item 7.

135. The representative of Yugoslavia introduced draft resolution E/CN.4/1991/L.12, sponsored by Egypt*, Indonesia, the Philippines, the Ukrainian Soviet Socialist Republic and Yugoslavia. Cyprus subsequently joined the sponsors.

136. The draft resolution was adopted without a vote.

137. For the text as adopted, see chapter II, section A, resolution 1991/12.

138. At the same meeting, the representative of Venezuela introduced draft resolution E/CN.4/1991/L.14, sponsored by Argentina, Brazil, Chile*, Colombia, Costa Rica*, Ecuador*, Mexico, Nigeria*, Peru, the Philippines, Venezuela and Yugoslavia. Bolivia*, Cyprus and Uruguay subsequently joined the sponsors.

139. At the request of the representative of the United States of America, a vote was taken on the draft resolution. The draft resolution was adopted by 31 votes to 2, with 9 abstentions.

140. Statements in explanation of vote after the vote were made by the representatives of Belgium, France, Japan, Sweden and the United States of America.

141. For the text as adopted, see chapter II, section A, resolution 1991/13.

142. Also at the 38th meeting, the representative of France introduced draft resolution E/CN.4/1991/L.16, sponsored by Belgium, Colombia Cuba, Czechoslovakia, France, Greece*, Italy, Kenya*, Luxembourg*, Morocco, Nicaragua*, Peru, the Philippines, Portugal, Senegal, Spain*, Swaziland, Switzerland*, the Syrian Arab Republic*, Togo*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Zaire*. Burundi and Madagascar subsequently joined the sponsors.

143. The draft resolution was adopted without a vote.

144. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of Japan and the United States of America.

145. For the text as adopted, see chapter II, section A, resolution 1991/14.

146. At the same meeting, the representative of Portugal introduced draft resolution E/CN.4/1991/L.18, sponsored by Angola*, Australia, Austria, Belgium, Bulgaria*, Burundi, the Byelorussian Soviet Socialist Republic*, Colombia, Costa Rica*, Cyprus, Czechoslovakia, Denmark*, Finland*, France, the Gambia, Hungary, the Netherlands*, Norway*, the Philippines, Portugal,

Senegal, Spain*, Swaziland, Sweden, Switzerland*, the Ukrainian Soviet Socialist Republic, United Kingdom of Great Britain and Northern Ireland*, the Union of Soviet Socialist Republics and Zaire*. Egypt* subsequently joined the sponsors.

147. The representative of Ethiopia made a proposal to amend the draft resolution by replacing paragraph 12 by the following:

> "_Requests_ the Secretary-General to take all necessary measures to strengthen the programme of advisory services and in this regard urges him to intensify co-ordination between human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;".

148. The representative of Portugal made a statement relating to the proposal made by Ethiopia.

149. The representative of Australia proposed to postpone action on the draft resolution. The Australian proposal was supported by the representatives of China, Ethiopia and Portugal.

150. The Commission decided to postpone action on draft resolution E/CN.4/1991/L.18.

151. At its 47th meeting, the Commission took up consideration of a revised draft resolution (E/CN.4/1991/L.18/Rev.1), sponsored by the same member and observer States as draft resolution E/CN.4/1991/L.18.

152. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1991/L.92) _1_/ of revised draft resolution E/CN.4/1991/L.18/Rev. 1.

153. The draft resolution was adopted without a vote.

154. For the text as adopted, see chapter II, section A, resolution 1991/18.

155. At the 38th meeting, the representative of the United States of America introduced draft resolution E/CN.4/1991/L.19, sponsored by Costa Rica*, Czechoslovakia, the Gambia, Germany, Japan, Panama, Poland*, Turkey*, the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland*, the Union of Soviet Socialist Republics and the United States of America. Hungary and Switzerland* subsequently joined the sponsors.

156. In introducing the draft resolution, the representative of the United States of America, on behalf of the co-sponsors, orally revised paragraph 1 by replacing the word "of" between "consideration" and "the" with "by", the word "to" between "right" and "everyone" with "of" and the word "rights" between "that" and "and" with "right".

157. Upon the proposal of the representative of Bangladesh, supported by the representatives of Cuba, India and the United States of America, the Commission decided to defer action on draft resolution E/CN.4/1991/L.19.

158. At its 47th meeting, the Commission resumed consideration of draft resolution E/CN.4/1991/L.19. Peru joined the sponsors of the draft resolution.

159. The representative of the United States of America orally revised the draft resolution as follows:

(a) A new sixth preambular paragraph was added;

(b) A new paragraph was added as paragraph 2 and original paragraphs 2 to 4 were renumbered as paragraphs 3 to 5;

(c) In new paragraph 4, the colon after "types of property" was replaced by a comma, and the following phrase was added after the comma: "taking into consideration the question of social justice and the ways to achieve it:".

160. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of the draft resolution in a statement by the Secretary of the Commission.

161. The representative of Cuba requested a separate vote on new paragraphs 3 and 4.

162. A statement in explanation of vote before the vote was made by the representative of Cuba.

163. Paragraphs 3 and 4 of draft resolution E/CN.4/1991/L.19 were adopted by 34 votes to 2, with 5 abstentions.

164. Statements in explanation of vote after the vote were made by the representatives of China, Colombia, India and the Philippines.

165. Draft resolution E/CN.4/1991/L.19, as a whole, as amended, was adopted without a vote.

166. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of India and the Philippines.

167. For the text as adopted, see chapter II, section A, resolution 1991/19.

VIII. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

168. The Commission considered agenda item 8 concurrently with items 7, 17 and 18 (see chaps. VII, XVII and XVIII) at its 17th to 21st meetings, from 8 to 12 February, and at its 38th meeting, on 22 February 1991. 2/

169. The Commission had before it the following documents:

Report on the Global Consultation on the Right to Development as a Human Right prepared by the Secretary-General in accordance with Commission on Human Rights resolution 1989/45 (E/CN.4/1990/9/Rev.1);

Comprehensive report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1990/18 (E/CN.4/1991/12 and Add.1);

Written statements submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/6 and E/CN.4/1991/NGO/7);

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster (E/CN.4/1991/NGO/10);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/39).

170. In the general debate on item 8, statements 3/ were made by the following members of the Commission: Argentina (21st), Australia (18th), Austria (20th), Belgium (20th), Brazil (20th), China (19th), Colombia (20th), Cuba (21st), Czechoslovakia (20th), Ethiopia (20th), France (19th), Ghana (20th), India (19th), Indonesia (19th), Iraq (20th), Italy (20th), Madagascar (20th), Mauritania (20th), Mexico (20th), Morocco (21st), Pakistan (20th), Peru (20th), Philippines (20th), Senegal (19th), Sweden (20th), United States of America (19th), Union of Soviet Socialist Republics (17th), Venezuela (18th), Yugoslavia (20th), Zambia (20th).

171. The Commission also heard statements by the observers for: Ecuador (19th), Netherlands (20th), Nigeria (21st), Rwanda (20th), Sudan (21st), Tunisia (21st).

172. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (19th), Andean Commission of Jurists (21st), International Association against Torture (20th), International Confederation of Free Trade Unions (20th), International Federation of Rural Adult Catholic Movements (20th), Minority Rights Group (20th), Pax Romana (21st), Service Justice and Peace in Latin America (20th), Union of Arab Jurists (21st), World Federation of Trade Unions (19th).

173. A statement equivalent to the right of reply was made by the observer for the Democratic People's Republic of Korea (21st).

174. At its 38th meeting, the Commission took up consideration of draft resolution E/CN.4/1991/L.15 submitted under agenda item 8.

175. The representative of Yugoslavia introduced draft resolution E/CN.4/1991/L.15, sponsored by Argentina, Brazil, China, Colombia, Cuba, Egypt*, Ghana, India, Indonesia, Mexico, Nigeria*, Peru, the Philippines, Tunisia*, Venezuela, Yugoslavia and Zimbabwe*. Bangladesh, Burundi, Cyprus, Ethiopia, the Gambia, Madagascar, Pakistan, Senegal, Somalia, Togo*, Zaire* and Zambia subsequently joined the sponsors.

176. The representative of Senegal made a statement in connection with the draft resolution.

177. The representative of the United States of America requested a vote on the draft resolution as a whole.

178. At the request of the representative of Brazil, a roll-call vote was taken on draft resolution E/CN.4/1991/L.15. The draft resolution was adopted by 40 votes to 1, with 2 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Burundi, Canada, China, Colombia, Cuba, Cyprus, Czechoslovakia, Ethiopia, France, Gambia, Ghana, Hungary, India, Indonesia, Iraq, Italy, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Panama, Peru, Philippines, Portugal, Senegal, Somalia, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: United States of America.

Abstaining: Germany, Japan.

179. Statements in explanation of vote after the vote were made by the representatives of Austria, Belgium, Canada, France, Japan, Portugal, Sweden and the United States of America.

180. For the text as adopted, see chapter II, section A, resolution 1991/15.

IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

181. The Commission considered agenda item 9 concurrently with item 4 (see chap. IV) at its 4th to 12th meetings from 30 January to 5 February, and then at the 28th and 38th meetings, on 15 and 22 February 1991. 2/

182. The Commission had before it the following documents:

Note by the Secretary-General on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination (A/45/488);

Report of the Secretary-General (E/CN.4/1991/13);

Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, submitted by the Special Rapporteur, Mr. Enrique Bernales Ballesteros, pursuant to Commission resolution 1990/7 (E/CN.4/1991/14);

Letter dated 8 February 1991 from the Permanent Representative of the People's Republic of China to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/73);

Written statement submitted by the International League for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/2).

183. At the 4th meeting, on 30 January 1991, Mr. Enrique Bernales Ballesteros, Special Rapporteur on mercenaries, introduced his report (E/CN.4/1991/14) to the Commission.

184. In the general debate on item 9, statements 3/ were made by the following members of the Commission: Australia (8th), Austria (10th), Bangladesh (6th), China (7th), Cuba (9th), Cyprus (4th and 10th), Czechoslovakia (9th), Indonesia (8th), Japan (9th), Mauritania (4th), Morocco (8th), Pakistan (7th and 9th), Philippines (9th), Portugal (9th), Senegal (6th), Sweden (9th), Ukrainian Soviet Socialist Republic (6th), United States of America (8th), Union of Soviet Socialist Republics (7th).

185. The Commission also heard statements by the observers for: Algeria (10th), Angola (9th), Bahrain (6th), Byelorussian Soviet Socialist Republic (8th), Israel (7th), Kuwait (10th), Nigeria (7th), Oman (6th), Saudi Arabia (5th), Syrian Arab Republic (8th), Tunisia (10th), Turkey (10th), United Arab Emirates (5th), United Republic of Tanzania (10th), Viet Nam (10th).

186. Statements were also made by the observers for Palestine (10th) and the Pan Africanist Congress of Azania (4th).

187. The Commission heard statements by the following non-governmental organizations: American Association of Jurists (4th), Centre Europe-Tiers Monde (11th), International Association against Torture (11th), International Association of Democratic Lawyers (11th), International Federation of Human Rights (4th), International Federation of Free Journalists (10th), International Federation Terre des Hommes (11th), International Indian Treaty Council (11th), International League for the Rights and Liberation of Peoples (11th), International Organization for the Elimination of All Forms of Racial Discrimination (11th), Latin American Federation of Associations of Relatives of Disappeared Detainees (11th), Liberation (6th), Movement against Racism and for Friendship among Peoples (10th), Pax Christi (4th), Pax Romana (11th), Union of Arab Jurists (11th), World Confederation of Labour (8th), World Federation of Trade Unions (11th), World Union for Progressive Judaism (11th).

188. Statements in exercise of the right of reply or its equivalent were made by the representatives of Ethiopia (12th), India (9th and 10th), Indonesia (11th and 12th), Pakistan (10th), Portugal (12th) and Yugoslavia (11th), and by the observers for Sri Lanka (7th), the Syrian Arab Republic (12th) and Thailand (12th).

189. At its 28th meeting, the Commission took up consideration of the draft resolutions and decision submitted under agenda item 9.

190. Draft decision E/CN.4/1991/L.4, submitted by the Chairman, was adopted without a vote.

191. For the text as adopted, see chapter II, section B, decision 1991/104.

192. At the same meeting, draft resolution E/CN.4/1991/L.6, submitted by the Chairman, was adopted without a vote.

193. For the text as adopted, see chapter II, section A, resolution 1991/4.

194. At the same meeting, draft resolution E/CN.4/1991/L.8/Rev.1, submitted by the Chairman, was adopted without a vote.

195. For the text as adopted, see chapter II, section A, resolution 1991/5.

196. At the same meeting, the representative of India introduced draft resolution E/CN.4/1991/L.5, sponsored by China, Cuba, Ghana, India, Indonesia, Iraq, Madagascar, Mauritania, Morocco, Senegal, Somalia, the Ukrainian Soviet Socialist Republic, Yugoslavia and Zambia. Algeria*, Bahrain*, Bangladesh, Egypt*, Jordan*, Pakistan, Qatar*, Saudi Arabia*, the Syrian Arab Republic*, the United Republic of Tanzania*, Tunisia*, the United Arab Emirates* and Zimbabwe* subsequently joined the sponsors.

197. The representative of the United States of America requested a roll-call vote on draft resolution E/CN.4/1991/L.5 as a whole. The draft resolution was adopted by 29 votes to 1, with 12 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Indonesia, Iraq, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Panama, Peru, Philippines, Senegal, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Portugal, Sweden.

198. A statement in explanation of vote after the vote was made by the representative of Sweden.

199. For the text as adopted, see chapter II, section A, resolution 1991/6.

200. At the same meeting, the observer for Nigeria introduced draft resolution E/CN.4/1991/L.9, sponsored by Algeria*, Cameroon*, Colombia, Cuba, Egypt*, Gabon*, the Gambia, Ghana, India, Kenya*, Madagascar, Morocco, Nigeria*, Peru, Rwanda*, Senegal, the Sudan*, Swaziland, Zambia and Zimbabwe*. The Libyan Arab Jamahiriya* and the United Republic of Tanzania* subsequently joined the sponsors.

201. In introducing the draft resolution, the observer for Nigeria orally revised it as follows:

(a) The title was revised to read "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination";

(b) In the first preambular paragraph, "that States shall" was replaced by "of", "refrain in their" was replaced by "refraining in", and "in international relations" was deleted after the word "force";

(c) In paragraph 2, "shall" was replaced by "should";

(d) In paragraph 5, "Requests the Secretary-General to" was replaced by "Also requests the Special Rapporteur to submit his".

202. At the same meeting, the representative of Germany made a statement on the draft resolution.

203. Upon the request of the observer for Nigeria, the Commission decided to postpone to the 38th meeting action on the draft resolution.

204. At the 38th meeting, the Commission had before it a revised draft resolution (E/CN.4/1991/L.9/Rev.1), sponsored by Algeria*, Colombia, Cuba, Egypt*, Gabon*, the Gambia, Ghana, India, Kenya*, Madagascar, Morocco, Nigeria*, Peru, Rwanda*, Senegal, the Sudan*, Swaziland, Zambia and Zimbabwe*. Tunisia* subsequently joined the sponsors.

205. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of the revised draft resolution in a statement by the Secretary of the Commission.

206. The representative of Australia made an explanation of vote before the vote.

207. The draft resolution was adopted without a vote.

208. For the text as adopted, see chapter II, section A, resolution 1991/7.

X. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (b) STATUS OF THE CONVENTION AGAINST TORTURE, AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

209. The Commission considered agenda item 10 and sub-items (a), (b) and (c) at its 25th to 33rd meetings, from 14 to 20 February and at its 52nd meeting, on 5 March 1991. 2/

210. In relation to agenda item 10, the Commission had before it the following documents:

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/45/633);

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1991/15);

Note by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1991/16);

Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. P. Kooijmans, in accordance with Commission resolution 1990/34 (E/CN.4/1991/17);

Updated report of the Secretary-General on detention of international civil servants and their families (E/CN.4/1991/18);

Note by the Secretary-General (E/CN.4/1991/19);

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20 and Add.1);

Note by the Secretary-General on the question of enforced or involuntary disappearances (E/CN.4/1991/49);

Letter dated 15 January 1991 from the Permanent Representative of Costa Rica to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/66);

Letter dated 5 March 1991 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1991/87);

Written statement submitted by the International League for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/4);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1991/NGO/20);

Written statements submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/21 and E/CN.4/1991/NGO/24);

Written statement submitted by the Federation of Associations of Former International Civil Servants, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/33);

Written statement submitted by the International Association against Torture, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/36);

Written statement submitted by the World University Service, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/41).

211. In the general debate on item 10, statements 3/ were made by the following members of the Commission: Austria (31st), Belgium (30th), China (30th), Cuba (31st), Cyprus (31st), Gambia (29th), India (31st), Peru (30th), Philippines (27th), Portugal (30th), Senegal (31st), Sweden (28th), Union of Soviet Socialist Republics (27th), United States of America (26th), Venezuela (31st).

212. The Commission heard statements by the observers for: Chile (31st), Egypt (30th), Kuwait (26th), Netherlands (31st), New Zealand (29th), Poland (31st), United Kingdom of Great Britain and Northern Ireland (26th).

213. A statement was made by the observer for Switzerland (29th).

214. A statement was also made by the observer for the International Committee of the Red Cross (27th).

215. The Commission heard statements by the following non-governmental organizations: American Association of Jurists (32nd), Amnesty International (26th), Andean Commission of Jurists (32nd), Centre Europe - Tiers Monde (28th), Christian Democratic International (29th), Commission of the Churches on International Affairs of the World Council of Churches (28th), International Association against Torture (29th), International Association of Democratic Lawyers (32nd), International Association of Educators for World Peace (28th), International Centre of Sociological, Penal and Penitentiary Research and Studies (26th), International Commission of Jurists (26th), International Council of Jewish Women (26th), International Educational Development, Inc. (29th), International Federation of Action of Christians for the Abolition of Torture (27th), International Federation of Human Rights (26th), International Federation of Newspaper Publishers (32nd), International Human Rights Law Group (28th), International Indian Treaty

Council (32nd), International League for Human Rights (32nd), International League for the Rights and Liberation of Peoples (28th), International Movement for Fraternal Union among Races and Peoples (27th), International Organization for the Development of Freedom of Education (30th), International Organization for the Elimination of all Forms of Racial Discrimination (32nd), International Union of Lawyers (27th), International Union of Students (32nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (32nd), Liberation (29th), Minority Rights Group (28th), Pax Christi (32nd), Pax Romana (30th), Service, Justice and Peace in Latin America (29th), World Federation of Trade Unions (28th), World Union for Progressive Judaism (32nd), World University Service (30th).

216. Statements in exercise of the right of reply or its equivalent were made by the representatives of China (28th), Cuba (28th), India (31st), Indonesia (31st and 32nd), Iraq (26th), Morocco (29th) and Portugal (32nd); and the observers for Kenya (32nd), Kuwait (27th), Norway (33rd), the Republic of Korea (30th and 32nd) and Sir Lanka (30th).

217. At the 52nd meeting, on 5 March 1991, the representative of Canada introduced draft resolution E/CN.4/1991/L.29, sponsored by Austria, Belgium, Bulgaria*, Canada, France, the Gambia, Germany, Hungary, Luxembourg*, Panama, Peru, Spain*, Togo*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland*. Czechoslovakia, Greece* and Switzerland* subsequently joined the sponsors.

218. In introducing the draft resolution, the representative of Canada orally revised the second preambular paragraph by replacing the words "these rights" with "the right to freedom of expression".

219. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft resolution E/CN.4/1991/L.29, as revised, contained in the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see E/CN.4/1991/2, annex III, decision 1991/117).

220. The draft resolution, as orally revised, was adopted without a vote.

221. After the adoption of the resolution, a statement in explanation of his delegation's position was made by the representative of the United States of America.

222. For the text as adopted, see chapter II, section A, resolution 1991/32.

223. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/1991/L.35, sponsored by Austria, Canada, Egypt*, El Salvador*, Greece*, Morocco*, the Netherlands*, Peru and Spain*.

224. In introducing the draft resolution, the representative of Austria orally revised paragraph 2 by inserting the words "independent experts," between "representatives," and "members".

225. The draft resolution, as orally revised, was adopted without a vote.

226. After the adoption of the resolution, a statement in explanation of his delegation's position was made by the representative of Japan.

227. For the text as adopted, see chapter II, section A, resolution 1991/33.

228. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/1991/L.39, sponsored by Australia, Austria, Belgium, Canada, Colombia, Cyprus, Denmark*, Finland*, the Gambia, Germany, Greece*, Hungary, Italy, Liechtenstein*, the Netherlands*, Peru, the Philippines, Portugal, Spain* and Sweden. Czechoslovakia, France, New Zealand* and Panama subsequently joined the sponsors and the Gambia subsequently withdrew as a sponsor.

229. In introducing the draft resolution, the representative of Austria orally revised the preambular paragraphs as follows:

(a) In the second preambular paragraph the words "and in the International Convention on the Elimination of All Forms of Racial Discrimination" were added after "Punishment";

(b) In the sixth preambular paragraph the words ", if they so wish," were inserted between "Rights" and "to become".

230. The draft resolution, as orally revised, was adopted without a vote.

231. For the text as adopted see chapter II, section A, resolution 1991/34.

232. At the same meeting, the representative of Portugal introduced draft resolution E/CN.4/1991/L.45, sponsored by Austria, Costa Rica*, Greece*, Italy, Luxembourg*, Panama, the Philippines, Portugal, Togo* and the United Kingdom of Great Britain and Northern Ireland*. Australia, Germany and Switzerland* subsequently joined the sponsors.

233. The draft resolution was adopted without a vote.

234. For the text as adopted, see chapter II, section A, resolution 1991/37.

235. At the same meeting, the representative of Belgium introduced draft resolution E/CN.4/1991/L.47, sponsored by Austria, Belgium, Bulgaria*, Canada, Cyprus, Denmark*, the Gambia, Greece*, Hungary, Italy, Luxembourg*, the Netherlands*, Norway*, Peru, the Philippines, Portugal and Senegal. Colombia, Germany and India subsequently joined the sponsors.

236. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1991/L.98) 1/ of draft resolution E/CN.4/1991/L.47.

237. The draft resolution was adopted without a vote.

238. After the adoption of the resolution a statement in explanation of his delegation's position was made by the representative of the United States of America.

239. For the text as adopted, see chapter II, section A, resolution 1991/39.

240. In view of the adoption of draft resolution E/CN.4/1991/L.47 (see paras. 235-239), the Commission decided to take no action on draft resolution VI, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see E/CN.4/1991/2, chap. I, sect. A) for adoption by the Commission.

241. At the same meeting, the representative of Japan introduced draft resolution E/CN.4/1991/L.49, sponsored by Australia, Belgium, Canada, Colombia, Cyprus, Czechoslovakia, Denmark*, Germany, Hungary, Indonesia, Ireland*, Italy, Japan, Peru, the Philippines, Switzerland*, Togo*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland* and the United States of America. Bangladesh, India and Kenya* subsequently joined the sponsors.

242. The draft resolution was adopted without a vote.

243. For the text as adopted, see chapter II, section A, resolution 1991/40.

244. At the same meeting, draft resolution E/CN.4/1991/L.77 was submitted by the Chairman.

245. An estimate of the administrative and programme budget implications of draft resolution E/CN.4/1991/L.77 is contained in annex III to the present report.

246. The draft resolution was adopted without a vote.

247. For the text as adopted, see chapter II, section A, resolution 1991/42.

248. At the same meeting, the Commission considered draft resolution V recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1991/2, chap. I, sect. A).

249. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1991/2, annex III, resolution 1990/18) of draft resolution V.

250. The draft resolution was adopted without a vote.

251. For the text as adopted, see chapter II, section A, resolution 1991/43.

252. At the same meeting, the Commission considered draft decision 1 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1991/2, chap. I, sect. B).

253. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1991/2, annex III, resolution 1990/19) of draft decision 1.

254. The draft decision was adopted without a vote.

255. For the text as adopted, see chapter II, section B, decision 1991/108.

A. Torture and other cruel, inhuman or degrading treatment or punishment

256. In connection with agenda item 10 (a), the Commission had before it the following documents:

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/45/633);

Note by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1991/16);

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. P. Kooijmans, in accordance with Commission on Human Rights resolution 1990/34 (E/CN.4/1991/17).

257. At the 25th meeting, on 14 February 1991, the Special Rapporteur, Mr. P. Kooijmans, introduced his report (E/CN.4/1991/17) to the Commission.

258. On the general debate on item 10 (a), statements 3/ were made by the following members of the Commission: Austria (31st), Belgium (30th), China (30th), Cuba (31st), Cyprus (31st), Gambia (29th), India (31st), Italy (29th), Peru (30th), Philippines (27th), Portugal (30th), Senegal (31st), Sweden (28th), Union of Soviet Socialist Republics (27th), United States of America (26th), Venezuela (31st).

259. The Commission also heard statements by the observers for: Chile (31st), Costa Rica (26th), Egypt (30th), Kuwait (26th), Netherlands (31st), New Zealand (29th), Norway (29th), Poland (31st), Spain (31st), Sudan (30th), United Kingdom of Great Britain and Northern Ireland (26th).

260. A statement was also made by the observer for Switzerland (29th).

261. The Commission heard statements by the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches (28th), International Association of Democratic Lawyers (32nd), International Association of Educators for World Peace (28th), International Centre of Sociological, Penal and Penitentiary Research and Studies (26th), International Educational Development, Inc. (29th), International Falcon Movement (32nd), International Federation of Action of Christians for the Abolition of Torture (27th), International Federation of Human Rights (26th), International League for Human Rights (32nd), International League for the Rights and Liberation of Peoples (28th), International Movement for Fraternal Union Among Races and Peoples (27th), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), International Union of Students (32nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (32nd), Liberation (29th), Movement Against Racism and for Friendship Among Peoples (29th), Pax Christi (32nd), Pax Romana (30th), Service, Justice and Peace in Latin America (29th), World Federation of Trade Unions (28th), World Movement of Mothers (27th), World University Service (30th).

262. Statements in exercise of the right of reply or its equivalent were made by the representatives of China (26th), Cuba (28th), India (31st), Indonesia (31st and 32nd), Iraq (26th) and Portugal (32nd); and the observers for the Islamic Republic of Iran (32nd), Kenya (32nd), Kuwait (27th), Norway (33rd), the Republic of Korea (32nd) and Sri Lanka (30th).

263. At the 52nd meeting, on 5 March 1991, the representative of Sweden introduced draft resolution E/CN/4/1991/L.43, sponsored by Argentina, Austria, Belgium, Canada, Denmark*, Finland*, the Gambia, Greece*, Liechtenstein*, Luxembourg*, the Netherland*, New Zealand*, Peru, Senegal, Sweden and the United Kingdom of Great Britain and Northern Ireland*. Australia, France, Germany, Japan, Norway* and Switzerland* subsequently joined the sponsors.

264. The draft resolution was adopted without a vote.

265. For the text as adopted, see chapter II, section A, resolution 1991/36.

266. At the same meeting, the representative of Belgium introduced draft resolution E/CN.4/1991/L.46, sponsored by Austria, Belgium, Canada, Costa Rica*, Cyprus, Denmark*, Finland*, the Gambia, Greece*, Ireland*, Italy, Liechtenstein*, Luxembourg*, the Netherlands*, New Zealand*, Norway*, Panama, Peru, the Philippines, Portugal, Senegal, Spain*, Sweden, the United Kingdom of Great Britain and Northern Ireland* and the Union of Soviet Socialist Republics. Australia and Switzerland* subsequently joined the sponsors.

267. In introducing the draft resolution, the representative of Belgium orally revised paragraph 4 by inserting the words ", in view of the conclusions of the Special Rapporteur," between "Stresses" and "the importance".

268. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1991/L.93) 1/ of draft resolution E/CN.4/1991/L.46.

269. The draft resolution as orally revised was adopted without a vote.

270. For the text as adopted, see chapter II, section A, resolution 1991/38.

B. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

271. In relation to agenda item 10 (b), the Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1991/15);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/22).

272. In the general debate on item 10 (b), statements 3/ were made by the following members of the Commission: Austria (31st), Senegal (31st), Sweden (28th) and Venezuela (31st).

273. The Commission heard statements by the observers for Egypt (30th), Kuwait (26th) and Spain (31st).

274. At the 52nd meeting, on 5 March 1991, the representative of Venezuela introduced draft decision E/CN.4/1991/L.37, sponsored by Austria, Belgium, Bolivia*, Chile*, Costa Rica*, Czechoslovakia, the Gambia, Greece*, Italy, Liechtenstein*, Panama, the Philippines, Poland*, Senegal, Spain*, Switzerland* and Venezuela.

275. The draft decision was adopted without a vote.

276. After the adoption of the decision, a statement in explanation of his delegation's position was made by the representative of Australia.

277. For the text as adopted, see chapter II, section B, decision 1991/107.

278. At the same meeting, the representative of Sweden introduced draft resolution E/CN.4/1991/L.42, sponsored by Argentina, Austria, Brazil, Bulgaria*, Canada, Czechoslovakia, Denmark*, Finland*, the Gambia, Greece*, Hungary, Liechtenstein*, Luxembourg*, Mexico, the Netherlands*, New Zealand*, Panama, Peru, the Philippines, Poland*, Portugal, Senegal, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland*. Australia, France, Germany, Norway*, Spain* and Switzerland* subsequently joined the sponsors.

279. The draft resolution was adopted without a vote.

280. After the adoption of the resolution statements in explanation of their delegation's position were made by the representatives of India and Japan.

281. For the text as adopted, see chapter II, section A, resolution 1991/35.

C. Question of enforced or involuntary disappearances

282. In relation to agenda item 10 (c), the Commission had before it the following documents:

> Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20 and Add.1);
>
> Note by the Secretary-General transmitting the "Draft declaration on the protection of all persons from enforced or involuntary disappearances" (E/CN.4/1991/49);
>
> Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/17).

283. At the 25th meeting, on 14 February 1991, Mr. Ivan Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, introduced the report of the Working Group (E/CN.4/1991/20 and Add.1) to the Commission.

284. In the general debate on item 10 (c), statements 3/ were made by the following members of the Commission: Austria (31st), China (30th), Cyprus (30th), Gambia (29th), India (31st), Italy (29th), Peru (30th), Philippines (27th), Portugal (30th), Senegal (31st), Sweden (28th), Union of Soviet Socialist Republics (27th), United States of America (26th), Venezuela (31st).

285. The Commission heard statements by the observers for: Egypt (30th), Ireland (30th), Kuwait (26th), Netherlands (31st), New Zealand (29th), Norway (29th), Spain (31st), Switzerland (29th), United Kingdom of Great Britain and Northern Ireland (26th).

286. A statement was also made by the observer for Switzerland* (29th).

287. Statements were also made by the following non-governmental organizations: Amnesty International (26th), Andean Commission of Jurists (32nd), Centre Europe - Tiers Monde (28th), Christian Democratic International (29th), Commission of the Churches on International Affairs of the World Council of Churches (28th), International Association against Torture (29th), International Association of Democratic Lawyers (32nd), International Centre of Sociological, Penal and Penitentiary Research and Studies (26th), International Educational Development, Inc. (29th), International Federation of Action of Christians Against Torture (27th), International Federation of Human Rights (26th), International Indian Treaty

Council (32nd), International League for Human Rights (32nd), International Movement for Fraternal Union among Races and Peoples (27th), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), International Union of Students (32nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (32nd), Liberation (29th), Movement against Racism and for Friendship among Peoples (29th), Pax Christi (32nd), Pax Romana (30th), Service, Justice and Peace in Latin America (29th), World Federation of Trade Unions (28th), World University Service (30th).

288. Statements in exercise of the right of reply or its equivalent were made by the representatives of China (26th), India (31st), Indonesia (31st and 32nd), Iraq (26th), Morocco (29th) and Portugal (32nd); and the observers for Kenya (32nd), Kuwait (27th), the Republic of Korea (30th) and Sri Lanka (30th).

289. At the 52nd meeting, on 5 March 1991, the representative of France introduced draft resolution E/CN.4/1991/L.72, sponsored by Austria, Belgium, Bulgaria*, Canada, Costa Rica*, Czechoslovakia, Denmark*, France, the Gambia, Greece*, Hungary, Indonesia, Ireland*, Italy, Luxembourg*, Madagascar, the Netherlands*, New Zealand*, Norway*, Panama, Poland*, Portugal, Senegal, Spain*, Sweden and the Union of Soviet Socialist Republics. Australia, Germany, Switzerland* and the United Kingdom of Great Britain and Northern Ireland* subsequently joined the sponsors.

290. A statement in explanation of vote before the vote was made by the representative of the Philippines.

291. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1991/L.94) 1/ of draft resolution E/CN.4/1991/L.72.

292. The draft resolution was adopted without a vote.

293. For the text as adopted, see chapter II, section A, 1991/41.

XI. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS; (c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

294. The Commission considered agenda item 11 at its 22nd to 25th meetings, from 12 to 14 February, and at its 52nd and 54th meetings, held on 5 and 6 March 1991. 2/

295. The Commission had before it the following documents:

Report of the Secretary-General on the world conference on human rights, (A/45/564 and Add.1);

Report of the Secretary-General on the development of public information activities in the field of human rights (A/45/590);

Report of the Secretary-General on the effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments (A/45/807);

Report of the Secretary-General on developments relating to the activities of the Centre for Human Rights (A/C.5/45/66);

Report of the Secretary-General on the situation and developments regarding the logistical and human rights resources support for the activities of the Centre for Human Rights (E/1990/50);

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian-Pacific region (E/CN.4/1991/21 and Add.1);

Note by the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1991/22);

Updated report of the Secretary-General on national institutions for the promotion and protection of human rights (E/CN.4/1991/23 and Add.1);

Note by the Secretary-General on cooperation with representatives of United Nations human rights bodies (E/CN.4/1991/24);

Report of the Secretary-General (E/CN.4/1991/25);

Note by the Secretariat on the implementation of General Assembly resolutions 45/180 and 45/248B (E/CN.4/1991/72);

Letter dated 27 February 1991 from the delegation of the Gambia addressed to the Chairman of the Commission transmitting the report of the Commonwealth Governmental Working Group of Experts on Human Rights (E/CN.4/1991/82);

Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches and the Friends World Committee for Consultation, non-governmental organizations in consultative status (category II) (E/CN.4/1991/NGO/1);

Written statement submitted by Christian Democratic International, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/8);

Written statement submitted by World University Service on behalf of the Coalition against Impunity and its non-governmental organization members, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/11);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1991/NGO/19);

Written statement submitted by the International Institute of Humanitarian Law, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/42).

296. In the general debate on item 11, statements 3/ were made by the following members of the Commission: Australia (22nd and 23rd), Austria (24th), Bangladesh (22nd), Belgium (23rd), Burundi (23rd), China (22nd), Cuba (23rd), Czechoslovakia (25th), France (23rd), Germany (23rd), India (24th), Italy (24th), Mexico (24th), Morocco (23rd), Panama (23rd), Peru (22nd and 24th), Philippines (24th), Portugal (23rd), Senegal (24th and 25th), Union of Soviet Socialist Republics (24th), United States of America (22nd), Zambia (25th).

297. The Commission heard statements by the observers for: Byelorussian Soviet Socialist Republic (25th), Denmark (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (22nd), Greece (24th), Ireland (24th), Luxembourg (24th), Spain (24th), Syrian Arab Republic (25th), United Kingdom of Great Britain and Northern Ireland (23rd).

298. Statements were also made by the representatives of: the United Nations Educational, Scientific and Cultural Organization (23rd) and the United Nations Interregional Crime and Justice Research Institute (22nd).

299. The Commission heard statements by the following non-governmental organizations: American Association of Jurists (23rd), Four Directions Council (25th), International Association of Educators for World Peace (25th), International Centre of Sociological, Penal and Penitentiary Research and Studies (23rd), International Committee of the Red Cross (24th), Inter-Parliamentary Union (23rd), Latin American Federation of Associations of Relatives of Disappeared Detainees (25th), Service, Justice and Peace in Latin America (25th), World University Service (25th).

300. Statements in exercise of the right of reply were made by the representatives of Iraq (25th) and the United States of America (25th).

301. At its 52nd meeting, on 5 March 1991, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

302. On 21 February 1991, a draft resolution (E/CN.4/1991/L.25) had been submitted by India, reading as follows:

> "*The Commission on Human Rights*,
>
> *Recalling* its own resolution 1989/54 as well as Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/2 of 25 August 1988,
>
> *Bearing in mind* General Assembly resolution 45/180 of 21 December 1990,
>
> *Recalling* the report of the Commission on Human Rights to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), which was adopted without a vote by the Commission at its 56th meeting, on 10 March 1988,
>
> *Recalling also* that, in paragraph 30 of the above-mentioned report, the Commission reaffirmed that 'the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity, and is convinced that this is compatible with the principle of equitable geographical distribution',
>
> *Further reaffirming* that no post should be considered the exclusive preserve of any Member State or group of States,
>
> *Considering* it essential that, in the context of the general financial situation of the United Nations, sufficient resources commensurate with the high priority attributed to the programme should be allocated to human rights, in particular to the Centre for Human Rights, and further stating that organizational changes, including staffing reviews and adjustments of the programme activities or resource allocation, should not adversely affect the functioning of the Centre but should rather strengthen its status and enhance its role,

1. Supports the efforts of the Secretary-General to enhance the role and importance of the Centre for Human Rights as a coordinating unit in the system of bodies dealing with the promotion and protection of human rights;

2. Expresses the hope that the steps being taken by the Secretary-General in that direction, including the measures to promote the settlement of regional conflicts, will foster cooperation in upholding and protecting human rights and fundamental freedoms, better understanding, mutual respect, trust and tolerance in relations between States and peoples;

3. Reaffirms the importance of the principle set out in Article 101, paragraph 3, of the Charter of the United Nations;

4. Invites again the Secretary-General to request Governments, United Nations specialized agencies and intergovernmental and non-governmental organizations to express their views on the strengthening of the activities of the Centre for Human Rights, with special emphasis on new directions and forms, including increasing the representation of under-represented groups of States, notably the developing countries, in senior and policy-formulating posts in the Centre for Human Rights, while safeguarding the principle of equitable geographical distribution, in accordance with the relevant resolutions of the General Assembly, and to submit a report setting out those views and opinions to the Commission at its forty-eighth session;

5. Decides to discuss the question of the co-ordinting role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights at its forty-eighth session as a new sub-item under the agenda item 'further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission'".

303. At the 52nd meeting, the representative of the Philippines introduced a revised draft resolution (E/CN.4/1991/L.25/Rev.1), sponsored by Bangladesh, China, Colombia, Cuba, Cyprus, Egypt*, India, Indonesia, Japan, Pakistan, Peru, the Philippines, Sri Lanka*, and Yugoslavia. Afghanistan*, Argentina, Bhutan*, Czechoslovakia, Ghana, Greece*, Haiti*, Hungary, Iraq, Malaysia*, Mexico, Mongolia*, Morocco, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Venezuela subsequently joined the sponsors.

304. In introducing the revised draft resolution the representative of the Philippines orally revised paragraph 3 by inserting the words "the status of" between "the improvement of" and "women".

305. The revised draft resolution, as orally revised, was adopted without a vote.

306. After the adoption of the resolution, a statement in explanation of his delegation's position was made by the representative of Ethiopia.

307. For the text as adopted, see chapter II, section A, resolution 1991/22.

308. At the same meeting, the representative of Greece introduced draft resolution E/CN.4/1991/L.26, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria*, Canada, Chile*, Costa Rica*, Cyprus, Czechoslovakia, Denmark*, El Salvador*, Finland*, France, Germany, Ghana, Greece*, Hungary, Ireland*, Italy, Luxembourg*, Mauritania, Morocco, the Netherlands*, New Zealand*, Nigeria*, Norway*, Panama, Peru, the Philippines, Poland*, Portugal, Senegal, Spain*, Sweden, the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland* and the Union of Soviet Socialist Republics. Colombia, Ethiopia, the Gambia, Guatemala*, Haiti*, Iceland*, India, Indonesia, Madagascar, Mongolia*, Pakistan, Paraguay*, Romania*, Sri Lanka*, Switzerland*, Venezuela and Zimbabwe*, subsequently joined the sponsors.

309. The draft resolution was adopted without a vote.

310. After the adoption of the resolution, a statement in explanation of his delegation's position was made by the representative of the United States of America.

311. For the text as adopted, see chapter II, section A, resolution 1991/23.

312. At the same meeting, the representative of Italy introduced draft resolution E/CN.4/1991/L.33, sponsored by Australia, Bolivia*, Bulgaria*, the Byelorussian Soviet Socialist Republic*, Colombia, Czechoslovakia, Greece*, Hungary, India, Ireland*, Italy, the Netherlands*, Peru, the Philippines, Portugal, Spain*, Sweden, Switzerland*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland*, and Venezuela. Indonesia subsequently joined the sponsors.

313. The draft resolution was adopted without a vote.

314. For the text as adopted, see chapter II, section A, resolution 1991/24.

315. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/1991/L.34, sponsored by Austria, Bulgaria*, Canada, Cyprus, Czechoslovakia, Finland*, France, Greece*, Lebanon*, Norway*, Panama and the Union of Soviet Socialist Republics. Australia, Costa Rica*, Hungary, Poland*, the United Kingdom of Great Britain and Northern Ireland*, and Senegal subsequently joined the sponsors.

316. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1991/L.95) 1/ of draft resolution E/CN.4/1991/L.34.

317. The draft resolution was adopted without a vote.

318. For the text as adopted, see chapter II, section A, resolution 1991/25.

319. At the same meeting, the representative of the Ukrainian Soviet Socialist Republic introduced draft resolution E/CN.4/1991/L.36, sponsored by Austria, Belgium, Bulgaria*, Canada, Greece*, Hungary, Italy, Madagascar, Norway*, Peru, Poland*, Sweden, the Ukrainian Soviet Socialist Republic and Yugoslavia. Cyprus subsequently joined the sponsors.

320. The draft resolution was adopted without a vote.

321. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of China and India.

322. For the text as adopted, see chapter II, section A, resolution 1991/26.

323. On 26 February 1991, a draft resolution (E/CN.4/1991/L.38) had been submitted by Australia, Bulgaria*, the Byelorussian Soviet Socialist Republic*, Colombia, Costa Rica*, Finland*, France, Greece*, Hungary, Italy, Madagascar, Nigeria*, Norway*, the Philippines, Poland*, Portugal, Togo*, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics, reading as follows:

> "The Commission on Human Rights,
>
> Recalling its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably its resolution 1990/73 of 7 March 1990 and General Assembly resolution 44/64 of 8 December 1989,
>
> Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,
>
> Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,
>
> Convinced of the important role that can be played by institutions at the national level in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,
>
> Recognizing that the United Nations has played and should continue to play a catalytic role in assisting the development of national institutions,

Welcoming the holding in May 1990 in Manila of a regional Asia-Pacific workshop under the auspices of the United Nations which considered, _inter alia_, the experience of different regions and countries in the establishment of regional or national institutions for the promotion and protection of human rights,

Noting with appreciation the active and constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States,

1. _Takes note_ of the progress made in this area in the past few years and of the increased number and effectiveness of national institutions for the promotion and protection of human rights in all parts of the world as well as of the efforts of the Centre for Human Rights to increase co-operation with regional and national institutions;

2. _Encourages_ all States to establish or strengthen national institutions for the promotion and protection of human rights;

3. _Requests_ the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions, particularly in the fields of advisory services and technical assistance and of information and education, not least within the framework of the World Public Information Campaign for Human Rights;

4. _Welcomes_ the decision of the Secretary-General to convene a workshop in 1991, as requested in its resolution 1990/73;

5. _Also requests_ the Secretary-General to publicize the proceedings of that meeting and to make use of their results in the finalization of the manual on national institutions under preparation by the Centre for Human Rights;

6. _Decides_ to continue its consideration of this question as a sub-item under the agenda item entitled 'Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission' at its forty-eighth session."

324. At the 52nd meeting, the representative of Australia introduced a revised draft resolution (E/CN.4/1991/L.38/Rev.1), sponsored by the same member and observer States as draft resolution E/CN.4/1991/L.38. Burundi, India, Panama and Sri Lanka*, subsequently joined the sponsors.

325. The draft resolution was adopted without a vote.

326. After the adoption of the resolution, a statement in explanation of his delegation's position was made by the representative of the United States of America.

327. For the text as adopted, see chapter II, section A, resolution 1991/27.

328. At the same meeting, the representative of the Philippines introduced draft resolution E/CN.4/1991/L.40, sponsored by Australia, China, Indonesia, Japan, New Zealand*, and the Philippines. Bangladesh, France and Sri Lanka*, subsequently joined the sponsors.

329. The draft resolution was adopted without a vote.

330. For the text as adopted, see chapter II, section A, resolution 1991/28.

331. On 26 February 1991, a draft resolution (E/CN.4/1991/L.41) had been submitted by Algeria*, Angola*, Argentina, Colombia, Cuba, Mauritania, Nigeria*, Peru, Zambia and Zimbabwe*, reading as follows:

> "*The Commission on Human Rights*,
>
> *Aware* of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms are legitimate concerns of the world community,
>
> *Bearing in mind* that the effective implementation of Articles 55 and 56 of the Charter of the United Nations requires the cooperation of all Member States,
>
> *Desirous* of continuing to strengthen international cooperation in the promotion and development of respect for all human rights and fundamental freedoms,
>
> *Deeply convinced* that such cooperation should be based on the principles embodied in international law, especially in the Charter of the United Nations, the International Bill of Human Rights and other relevant human rights instruments,
>
> *Convinced further* that in order to be fully effective in the field of human rights, said cooperation should also be based on an adequate knowledge of the economic, social and cultural realities of different societies and on the understanding of the diversity of problems existing in them,
>
> *Also bearing in mind* the important contribution that accurate, impartial and objective information can make to achieving such knowledge and understanding,

Recalling General Assembly resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970, 32/130 of 16 December 1977, 36/103 of 9 December 1981, 37/200 of 18 December 1982, 41/155 of 4 December 1986 and 43/155 of 8 December 1988,

Convinced that United Nations action in this field should be guided by the principles of non-selectivity, impartiality and objectivity,

Underlining the duty and paramount responsibility incumbent on each State in the promotion, protection and full realization of the human rights and fundamental freedoms of all persons under its jurisdiction and its obligation to respect and enforce, in good faith, its domestic legislation and the responsibilities that it has undertaken under international law, especially with regard to the Charter of the United Nations and relevant international instruments in the field of human rights,

Recalling General Assembly resolution 45/163 of 18 December 1990,

1. _Reiterates_ that, by virtue of the principle of equal rights and self-determination of peoples, all peoples have the right to freely determine, without external interference, their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter of the United Nations, including respect for territorial integrity;

2. _Reaffirms_ that it is a purpose of the United Nations and the task of all Member States, in cooperation among themselves and with the Organization, to promote, encourage respect for and achieve the full realization of all human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. _Reaffirms further_ that the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

4. _Underlines_, in this context, the continuing need for accurate, impartial and objective information on the political, economic and social situations and events of all countries;

5. _Requests_ the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine the contents of this resolution under item 17 of the provisional agenda for its forty-third session and to submit to the Commission, at its forty-eighth session, recommendations on

the practical measures it may consider suitable to promote international cooperation in this field on the basis of the principles of non-selectivity, impartiality, objectivity and the non-use of human rights issues for political ends;

6. Requests Mr. Louis Joinet and Mr. Danilo Türk, Special Rapporteurs of the Sub-Commission, to analyse in their study on the right to freedom of opinion and expression, possible ways and means to secure that accurate, impartial and objective information on the political, economic and social situations and events in all countries, particularly in developing countries, is made regularly available to international public opinion."

332. At the 52nd meeting, the representative of Cuba introduced and orally revised draft resolution E/CN.4/1991/L.41.

333. Upon the proposal made by the representative of Australia, the Commission decided to postpone consideration of the draft resolution.

334. At the 54th meeting, on 6 March 1991, the representative of Cuba introduced the revised draft resolution E/CN.4/1991/L.41/Rev.1 sponsored by the same member and observer States as draft resolution E/CN.4/1991/L.41. Ghana subsequently joined the sponsors.

335. The representative of Australia proposed to amend the penultimate preambular paragraph by adding the words "in conformity with those instruments" after "domestic legislation".

336. Statements concerning the proposed amendment to the revised draft resolution were made by the representatives of Australia, Belgium, China, Cuba, India, the United States of America and Zambia.

337. On the proposal of the Chairman, the Commission decided to vote on the amendment.

338. The representatives of Cuba and India made statements in explanation of vote before the vote on the amendment.

339. The amendment was adopted by 19 votes to 17, with 7 abstentions.

340. The representative of Burundi made a statement in explanation of vote after the vote.

341. The revised draft resolution, as amended, was adopted without a vote.

342. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of Bangladesh, Burundi, Cuba, Sweden and the United States of America.

343. For the text as adopted, see chapter II, section A, resolution 1991/79.

344. Also at the 52nd meeting, the representative of Peru introduced draft resolution E/CN.4/1991/L.44, sponsored by Argentina, Bolivia*, Bulgaria*, Burundi, Colombia, Cyprus, Czechoslovakia, France, the Gambia, Germany, Greece*, Hungary, India, Italy, Japan, Madagascar, Peru, the Philippines, Portugal, Spain*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Uruguay*, Venezuela and Yugoslavia. Austria, Ethiopia, Ghana, Ireland*, Rwanda* and Sri Lanka* subsequently joined the sponsors.

345. The attention of the Commission was drawn to corrections to be made in the Spanish text of the draft resolution replacing "difunden" with "siembran" in the title, the second preambular paragraph and paragraphs 1, 2 and 3.

346. The draft resolution was adopted without a vote.

347. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of Sweden and the United States of America.

348. For the text as adopted, see chapter II, section A, resolution 1991/29.

349. At the same meeting, the representative of Morocco introduced draft resolution E/CN.4/1991/L.51, sponsored by Angola*, Argentina, Australia, Austria, Belgium, Bolivia*, Brazil, Bulgaria*, Burundi, the Byelorussian Soviet Socialist Republic*, Cameroon*, Canada, Chad*, Chile*, China, Czechoslovakia, Colombia, Costa Rica*, Côte d'Ivoire*, Cuba, Cyprus, the Democratic People's Republic of Korea*, Denmark*, the Dominican Republic*, Egypt*, El Salvador*, Finland*, France, the Gambia, Germany, Ghana, Greece*, Guatemala*, Haiti*, Indonesia, the Islamic Republic of Iran*, Iraq, Iceland*, Ireland*, Italy, Jamaica*, Japan, Jordan*, Kenya*, Kuwait*, Liechtenstein*, Luxembourg*, Madagascar, Mauritania, Mexico, Mongolia*, Morocco, the Netherlands*, New Zealand*, Nicaragua*, Nigeria*, Norway*, Panama, Peru, the Philippines, Poland*, Portugal, Romania*, Rwanda*, Senegal, Somalia, Spain*, the Sudan*, Swaziland, Sweden, Switzerland*, Togo*, Tunisia*, Turkey*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland*, the United States of America, Venezuela, Yugoslavia, Zaire*, and Zimbabwe*. Hungary, India, Malaysia*, Paraguay*, the Republic of Korea*, Uruguay* and Zambia subsequently joined the sponsors.

350. The representative of the United States of America made a statement with regard to the draft resolution.

351. The attention of the Commission was drawn to the following corrections:

(a) In paragraph 12 the words "to proceed from" were replaced by "to base its work on".

(b) The title of the annex, "Guidelines for the Preparatory Committee of the World Conference on Human Rights", was replaced by "Recommendations".

352. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.51 in a statement by the Secretary of the Commission.

353. The draft resolution was adopted without a vote.

354. For the text as adopted, see chapter II, section A, resolution 1991/30.

355. At the same meeting, the repres耳ntive of Czechoslovakia introduced draft resolution E/CN.4/1991/L.67, sponsored by Argentina, Austria, Chile*, Costa Rica*, Cyprus, Czechoslovakia, Denmark*, France, Ghana, Greece*, Hungary, Japan, Kenya*, Mexico, New Zealand*, Peru, Poland*, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United States of America. Bulgaria* subsequently joined the sponsors.

356. In introducing the draft resolution, the representative of Czechoslovakia orally revised it by inserting a new paragraph as the fifth preambular paragraph.

357. The draft resolution was adopted without a vote.

358. For the text as adopted, see chapter II, section A, resolution 1991/31.

XII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING: (a) QUESTION OF HUMAN RIGHTS IN CYPRUS; (b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT; (c) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY THE COMMISSION AT ITS FORTY-SIXTH SESSION

359. The Commission considered agenda item 12 and sub-items (a) and (b) at its 33rd to 37th meetings, from 20 to 22 February, at its 39th to 44th meetings, from 25 to 27 February, and at its 54th and 55th meetings, on 6 and 7 March 1991. 2/ Item 12 (c) was considered by the Commission in a closed session (see para. 490 below).

360. In connection with the consideration of item 12, the Commission had before it the following documents:

Note verbale dated 3 October 1990 from the Secretary-General to the Permanent Representatives of Member States (A/45/567);

Note by the Secretary-General on the situation of human rights in southern Lebanon (A/45/578);

Report of the Secretary-General on human rights and mass exoduses (A/45/607);

Note by the Secretary-General on the situation of human rights in El Salvador (A/45/630);

Note by the Secretary-General on the situation of human rights in Afghanistan (A/45/664);

Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/45/697);

Notes verbales dated 1 May and 22 August 1990 from the Permanent Mission of Lebanon to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1991/3 and E/CN.4/1991/4);

Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1990/104 (E/CN.4/1991/27);

Report of the Secretary-General on the situation of human rights in Cuba, submitted in accordance with Commission on Human Rights resolution 1990/48 (E/CN.4/1991/28);

Report of the Secretary-General on the situation of human rights in Albania, submitted in accordance with Commission on Human Rights resolution 1990/49 (E/CN.4/1991/29);

Report on the situation of human rights in Romania submitted by Mr. J. Voyame, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1989/75 (E/CN.4/1991/30);

Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1990/53 (E/CN.4/1991/31);

Note by the Secretary-General on the situation of human rights in southern Lebanon (E/CN.4/1991/32);

Report on the situation of human rights in Haiti prepared by the independent Expert, Mr. Philippe Texier, in accordance with Commission on Human Rights resolution 1990/56 (E/CN.4/1991/33 and Add.1);

Final report to the Commission on Human Rights on the situation of human rights in El Salvador prepared by the Special Representative of the Commission, Mr. José Antonio Pastor Ridruejo, in accordance with Commission resolution 1990/77 (E/CN.4/1991/34);

Final report to the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission, Mr. Reynaldo Galindo Pohl, in accordance with Commission resolution 1990/79 (E/CN.4/1991/35);

Report on summary or arbitrary executions prepared by the Special Rapporteur, Mr. S. Amos Wako, in accordance with Commission on Human Rights resolution 1990/51 (E/CN.4/1991/36);

Note by the Secretariat on the situation in East Timor submitted in accordance with Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/15 (E/CN.4/1991/37);

Letter dated 14 May 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/68);

Letter dated 7 February 1991 from the Chargé d'affaires of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1991/69);

Letter dated 5 February 1991 from the Permanent Mission of Kuwait to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/70);

Note verbale dated 11 February 1991 from the Permanent Representative of Iraq to the United Nations Office at Geneva, addressed to the secretariat of the Commission on Human Rights (E/CN.4/1991/74);

Letter dated 13 February 1991 from the Permanent Representative of Panama to the United Nations Office at Geneve addressed to the Chairman of the Commission on Human Rights (E/CN.4/1991/77);

Letter dated 25 February 1991 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the forty-seventh session of the Commission on Human Rights (E/CN.4/1991/81);

Letter dated 21 February from the Permanent Representative of Lebanon to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/83);

Letter dated 27 February 1991 from the Permanent Representative of the Republic of Cyprus to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/84);

Letter dated 25 February 1991 from the Permanent Representative of Kuwait to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/86);

Letter dated 5 March 1991 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1991/89);

Letter dated 24 October 1990 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (S/21907 and Corr.1);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/5);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1991/NGO/15);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/27);

Written statement submitted by the World Confederation of Labour, a non-governmental organization in consultative status (category I) (E/CN.4/1991/NGO/29);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/30);

Written statement submitted by the International Falcon Movement, a non-governmental organization on the Roster (E/CN.4/1991/NGO/31);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/1991/NGO/34);

Written statement submitted by Defense for Children International Movement, a non-governmental organization on the Roster (E/CN.4/1991/NGO/35);

Written statement submitted by International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/40);

Written statements submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/44 and E/CN.4/1991/NGO/45);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/51).

361. In the general debate on item 12, statements 3/ were made by the following members of the Commission: Australia (37th), Austria (42nd), Brazil (41st), Burundi (34th), Canada (41st), Chile (37th), China (40th and 44th), Colombia (36th), Cuba (40th), Czechoslovakia (42nd), Gambia (43rd), India (40th), Indonesia (39th), Iraq (43rd), Japan (42nd), Mexico (39th), Morocco (40th), Pakistan (34th and 36th), Panama (34th and 43rd), Peru (40th), Sweden (42nd), Ukrainian Soviet Socialist Republic (40th), Union of Soviet Socialist Republics (40th), United States of America (33rd), Venezuela (42nd), Yugoslavia (40th).

362. The Commission also heard statements by the observers for: Afghanistan (44th), Bolivia (41st), Bulgaria (44th), Byelorussian Soviet Socialist Republic (44th), Chile (37th), Egypt (40th), El Salvador (43rd), Haiti (36th), Iran (Islamic Republic of) (44th), Jordan (37th), Lebanon (36th), Libyan Arab Jamahiriya (35th), Liechtenstein (42nd), Luxembourg (on behalf of the European Community and its member States) (43rd), Myanmar (44th), Nigeria (36th), Norway (42nd), Poland (36th), Romania (36th), Rwanda (37th), Sri Lanka (39th), Sudan (42nd), Syrian Arab Republic (42nd), Turkey (44th).

363. Statements were made by the observers for the Holy See (42nd) and Switzerland (43rd).

364. A statement was made by a representative of the Office of the United Nations High Commissioner for Refugees (42nd).

365. A statement was also made by the representative of the International Labour Organisation (37th).

366. Statements were also made by the observers for Palestine (40th) and the Pan Africanist Congress of Azania (34th).

367. Statements were also made by the following non-governmental organizations: Amnesty International (34th), Andean Commission of Jurists (35th), Arab Organization for Human Rights (34th), Baha'i International Community (34th), Caritas Internationalis (42nd), Centre Europe - Tiers Monde (34th), Christian Democrat International (40th), Commission of the Churches on International Affairs of the World Council of Churches (34th), Four Directions Council (36th), Friends of the Earth (40th), Greek Orthodox Archdiocesan Council of North and South America (42nd), Human Rights Advocates (34th), Inter-African Union of Lawyers (36th), International Association against Torture (35th), International Association for the Defence of Religious Liberty (40th), International Association of Democratic Lawyers (34th), International Association of Educators for World Peace (40th), International Commission of Jurists (34th), International Confederation of Free Trade Unions (35th), International Council of Voluntary Agencies (35th), International Educational Development Inc. (34th), International Falcon Movement (44th), International Federation of Free Journalists (35th), International Federation of Human Rights (34th), International Federation for the Protection of Rights of Ethnic, Religious, Linguistic and Other Minorities (40th), International Federation Terre des Hommes (34th), International Fellowship of Reconciliation (34th), International Human Rights Internship Program (34th), International Human Rights Law Group (34th), International Indian Treaty Council (40th), International League for Human Rights (40th), International League for the Rights and Liberation of Peoples (42nd), International Movement for Fraternal Union among Races and Peoples (44th), International Organization for the Elimination of All Forms of Racial Discrimination (44th), International Union of Students (40th), International Work Group for Indigenous Affairs (44th), Inter-Parliamentary Union (34th), Latin American Federation of Associations of Relatives of Disappeared Detainees (34th), Liberal International (36th), Liberation (36th), Minority Rights Group (34th), Movement against Racism and for Friendship among Peoples (35th), Pax Christi (37th), Pax Romana (34th), Service, Justice and Peace in Latin America (34th), Union of Arab Jurists (44th), Women's International League for Peace and Freedom (42nd), World Alliance of Reformed Churches (40th), World Association for World Federation (40th), World Confederation of Labour (34th), World Conference on Religion and Peace (44th), World Federation of Democratic Youth (35th), World Federation of Trade Unions (35th), World Movement of Mothers (34th), World Muslim Congress (34th), World Union for Progressive Judaism (39th), World University Service (40th).

368. In addition, joint statements were made by the following non-governmental organizations: International Organization for the Elimination of All Forms of Racial Discrimination (44th) on behalf of: Human Rights Advocates, International Abolitionist Federation, International Association of Educators for World Peace, International Council of Jewish Women, International

Educational Development Inc., International Fellowship of Reconciliation, International Indian Treaty Council, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization of Indigenous Resource Development, International Union of Young Christian Democrats, Liberal International, Liberation, Minority Rights Group, Pax Christi, Pax Romana, Romani Union, and the World Union for Progressive Judaism; International Peace Bureau (44th) on behalf of: American Association of Jurists, Arab Organization for Human Rights, Centre Europe - Tiers Monde, Disabled People's International, International Abolitionist Federation, International Alert, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Educational Development Inc., International Federation Terre des Hommes, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Peace Bureau, Latin American Federation of Associations of Relatives of Disappeared Detainees, Liberation, Movement against Racism and for Friendship among Peoples, Pax Romana, Women's International League for Peace and Freedom, World Alliance of Reformed Churches, World Conference on Religion and Peace, World University Service; International Peace Bureau (44th) on behalf of: American Association of Jurists, Centre Europe - Tiers Monde, Disabled People's International, Human Rights Advocates, International Abolitionist Federation, International Alert, International Commission of Jurists, International Educational Development Inc., International Federation of Action of Christians for the Abolition of Torture, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Federation Terre des Hommes, International Indian Treaty Council, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Discrimination, International Peace Bureau, International Union of Students, Latin American Federation of Associations of Relatives of Disappeared Detainees, Liberation, Movement against Racism and for Friendship among Peoples, Pax Christi, Pax Romana, Service, Justice and Peace in Latin America, Women's International League for Peace and Freedom, and World Federation of Trade Unions; and Romani Union (40th) on behalf of Romani Union and the International Federation for Human Rights.

369. Statements in exercise of the right of reply or its equivalent were made by the representatives of China (33rd), Cuba (34th, 35th, 41st and 44th), Ethiopia (34th), India (37th, 39th and 42nd), Indonesia (44th), Iraq (33rd), Mauritania (34th and 44th), Morocco (37th), Pakistan (37th and 39th), Philippines (37th and 44th), Yugoslavia (44th) and Zambia (39th), and the observers for Albania (44th), Bulgaria (42nd) Democratic Peoples Republic of Korea (44th), Egypt (41st), El Salvador (40th), Greece (41st and 44th), Iran (44th), Libyan Arab Jamahiriya (39th and 41st), Myanmar (44th), Nicaragua (41st), Rwanda (44th), Sudan (40th and 44th), Syrian Arab Republic (35th and 40th), Turkey (44th), Viet Nam (44th), and Zaire (34th and 39th).

Situation of human rights in southern Lebanon

370. At the 54th meeting, the representative of Morocco introduced draft resolution E/CN.4/1991/L.27, sponsored by Algeria*, Bahrain*, Bangladesh, the Byelorussian Soviet Socialist Republic*, Cuba, Egypt*, India, the Islamic Republic of Iran*, Iraq, Jordan*, Kuwait*, Lebanon*, Libyan Arab Jamahiriya*, Mauritania, Morocco, Oman*, Pakistan, Qatar*, Saudi Arabia*, the Sudan*, the Syrian Arab Republic*, Tunisia*, and Yugoslavia. Indonesia, the United Arab Emirates*, and Zambia subsequently joined the sponsors.

371. The representative of the United States of America requested a vote on draft resolution E/CN.4/1991/L.27. The draft resolution was adopted by 41 votes to 1.

372. A statement in explanation of vote after the vote was made by the representative of the United States of America.

373. For the text as adopted, see chapter II, section A, resolution 1991/66.

Human rights in times of armed conflicts

374. On 25 February 1991, a draft resolution (E/CN.4/1991/L.30) was submitted by the observer for the Libyan Arab Jamahiriya, reading as follows:

"The Commission on Human Rights,

Aware of the transportation of about 600 Libyan prisoners of war from Chad to a number of other African countries by the United States of America which is neither a Party to the conflict nor a Protecting Power safeguarding the interests of the Parties to the conflict,

Noting the desire of the Libyan Arab Jamahiriya to have these Libyan prisoners of war repatriated as soon as possible, and noting also that a number of them have already returned to their own country,

Deeply concerned by violations against humanitarian law in general and the Geneva Conventions of 1949 in particular,

Recognizing the important role of the International Committee of the Red Cross under the Geneva Conventions of 1949,

Reaffirming its resolution 1990/66 of 7 March 1990,

1. Expresses its deep concern at the transportation of the Libyan prisoners of war by a country which is neither a Party to the conflict nor a Protecting Power safeguarding the interests of the Parties to the conflict according to articles 8 and 10 of the Third Geneva Convention of 12 August 1949 relative to the Treatment of Prisoners of War, which constitutes a violation of that Convention, delaying the release and

repatriation of these prisoners of war, subjecting them to great suffering, severe psychological pressures, and interrupting the mission of the International Committee of the Red Cross;

2. Calls upon the de facto detaining powers strictly to observe the provisions of the Third Geneva Convention of 1949, to refrain from any act which might impede the speedy return of these prisoners of war to their country, and to facilitate, without further interruption, the mission of the International Committee of the Red Cross;

3. Calls upon all Parties to the Geneva Conventions of 1949 to observe their obligations under these Conventions;

4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities with the co-operation of the concerned bodies, particularly the International Committee of the Red Cross, to submit recommendations aiming at the strengthening of human rights in armed conflicts, with full respect for the Geneva Conventions of 1949, to the Commission on Human Rights at its forty-eighth session."

375. At the 54th meeting, on 6 March 1991, the representative of the United States of America objected to the consideration of the draft resolution on the basis of rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

376. The observer for the Libyan Arab Jamahiriya made a statement regarding the draft resolution.

377. The Commission took no action on draft resolution E/CN.4/1991/L.30.

Situation of human rights in Cuba

378. On 27 February 1991, a draft resolution (E/CN.4/1991/L.50) had been submitted by Belgium, Bulgaria*, Czechoslovakia, the Gambia, Germany, Hungary, Ireland*, Japan, Luxembourg*, the Netherlands*, Nicaragua*, Norway*, Panama, Poland*, Romania*, the United Kingdom of Great Britain and Northern Ireland*, and the United States of America, reading as follows:

"The Commission on Human Rights,

Recalling the report of the mission to Cuba (E/CN.4/1989/46 and Corr.1) in accordance with its decision 1988/106 of 10 March 1988,

Recalling its decision 1989/113 of 9 March 1989, in which it requested the Secretary-General to maintain contacts with the Government of Cuba on the issues and questions contained in the report,

Recalling also its resolution 1990/48 of 6 March 1990, in which the Secretary-General was requested to provide the results of these contacts to the forty-seventh session, Considering the report by the Secretary-General (E/CN.4/1991/28) and the observations contained therein on the results of his contacts with the Government of Cuba,

Considering also reports prepared by various non-governmental organizations and individuals which have described and brought to public attention the deterioration in the human rights situation in Cuba since the visit of the working group of the Commission in 1988,

Further recalling that its resolution 1990/48 called upon the Government of Cuba to respect its guarantees that individuals who attempted to present information to the representatives of the Commission would not be subject to reprisals, detention or negative consequences of any nature whatsoever,

Noting with concern that certain individuals have been subject to arrest, harassment, or other forms of reprisals by the Government of Cuba as a result of having cooperated with the working group of the Commission on Cuba or having engaged in activities to promote and protect human rights and fundamental freedoms,

Deeply disappointed that the Government of Cuba has failed to address the concerns of the Commission as expressed in its decisions 1988/106 and 1989/113 and resolution 1990/48, and has not provided the Commission with a response to the unanswered questions put to the Cuban authorities by representatives of this Commission in annex XVI and to questions related to the documents listed in annex III of the report of the mission to Cuba (E/CN.4/1989/46 and Corr.1),

Further recalling resolution 1990/76 of 7 March 1990, in which it affirmed that the United Nations should take steps to prevent harm to those who turn to the Organization for help on human rights concerns,

Commending the Government of Cuba for having invited a working group of the Commission to visit Cuba in 1988 to investigate the human rights situation,

Profoundly aware of its continuing responsibility to defend and support those who have put their faith in this body, as reiterated in resolutions 1990/48 and 1990/76, to promote and protect human rights and fundamental freedoms,

1. Takes note of the report of the Secretary-General (E/CN.4/1991/28) on the results of his contacts with the Government of Cuba;

2. Urges the Government of Cuba to take the appropriate steps to promote the enjoyment and exercise of human rights in Cuba;

3. Calls upon the Government of Cuba to honour its repeated guarantees to this Commission and its representatives who visited Cuba pursuant to decision 1988/106 of 10 March 1988 that individuals who attempted to present information to these representatives would not be subject to reprisals, detention or negative consequences of any nature whatsoever;

4. Requests its Chairman, after consultation with the bureau, to appoint a special representative to establish direct contacts with the Government and citizens of Cuba on allegations of human rights violations in order:

(a) To seek responses to the unanswered questions put to the Cuban authorities and to the questions related to the documents listed in annexes III and XVI of the report of the mission to Cuba (E/CN.4/1989/46 and Corr.1);

(b) To examine reported cases of reprisals against human rights activists; and

(c) To report under this agenda item on its endeavours pursuant to this resolution at the forty-eighth session of the Commission."

379. Costa Rica*, Denmark*, Kuwait* and Portugal subsequently joined the sponsors.

380. On 1 March 1991, a draft resolution (E/CN.4/1991/L.88) was submitted by Algeria*, Angola*, Argentina, Bolivia*, Colombia, Ecuador*, Ghana, Haiti*, Mexico, Mongolia*, Paraguay*, Peru, the Syrian Arab Republic*, the United Republic of Tanzania*, Venezuela, Zambia and Zimbabwe*. Mauritania and Yugoslavia subsequently joined the sponsors. Argentina and Bolivia* withdrew as sponsors.

381. At the 54th meeting, on 6 March 1991, the representative of the United States of America introduced draft resolution E/CN.4/1991/L.50.

382. The representative of Cuba made a statement proposing that draft resolution E/CN.4/1991/L.88 be introduced and considered together with draft resolution E/CN.4/1991/L.50.

383. The representative of the United States of America moved to suspend the meeting. The motion was adopted by 19 votes to 10, with 8 abstentions.

384. At the resumption of the meeting, the representative of Venezuela introduced draft resolution E/CN.4/1991/L.88.

385. The representative of Colombia moved, under rule 65, paragraph 1, of the rules of procedure of the functional commissions of the Economic and Social Council, that draft resolution E/CN.4/1991/L.88 be given priority for consideration over draft resolution E/CN.4/1991/L.50.

386. A statement relating to the motion was made by the representative of the United States of America.

387. The representative of Colombia requested a roll-call vote on the motion, which was adopted by 18 votes to 17, with 8 abstentions. The voting was as follows:

In favour: Brazil, China, Colombia, Cuba, Ethiopia, Ghana, India, Iraq, Madagascar, Mauritania, Mexico, Peru, Somalia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: Australia, Austria, Bangladesh, Belgium, Canada, Czechoslovakia, France, Gambia, Germany, Hungary, Italy, Japan, Panama, Philippines, Portugal, Sweden, United States of America.

Abstaining: Argentina, Burundi, Cyprus, Indonesia, Morocco, Pakistan, Senegal, Swaziland.

388. At the same meeting, the representative of the United States of America orally proposed amendments to draft resolution E/CN.4/1991/L.88 which consisted in replacing with new paragraphs the original paragraphs 4 and 6 which read:

> "4. *Calls upon* the Secretary-General to continue, in accordance with his mandate, the contacts established with the Government of Cuba, pursuant to decision 1989/113 of 9 March 1989 and in keeping with the express wish of that Government to continue to guarantee the promotion and exercise of human rights;
>
> 6. *Requests* the Secretary-General to carry out those contacts bearing in mind the Universal Declaration of Human Rights and to communicate the results to the Commission in a manner which he deems appropriate and within the framework of international conventions and of the procedures laid down in Economic and Social Council resolution 1503 (XLVIII)."

389. Statements relating to the proposed amendments were made by the representatives of Cuba and Mexico.

390. At the request of the representative of the United States of America, a roll-call vote was taken on the proposed amendments. The amendments were adopted by 21 votes to 18, with 4 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Canada, Czechoslovakia, France, Gambia, Germany, Hungary, Italy, Japan, Morocco, Panama, Philippines, Portugal, Senegal, Swaziland, Sweden, United States of America.

Against: China, Colombia, Cuba, Ethiopia, Ghana, India, Indonesia, Iraq, Mauritania, Mexico, Pakistan, Peru, Somalia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Abstaining: Brazil, Burundi, Cyprus, Madagascar.

391. The representative of the United States of America requested a roll-call vote on draft resolution E/CN.4/1991/L.88 as a whole, as amended.

392. Statements in explanation of vote before the vote on draft resolution E/CN.4/1991/L.88 as amended were made by the representatives of Cuba and the United States of America.

393. The representative of Venezuela announced that the original sponsors of draft resolution E/CN.4/1991/L.88 withdrew as sponsors of the draft resolution as amended and that the sponsors who were members of the Commission would abstain during the vote upon it.

394. An estimate of the administrative and programme budget implications of draft resolution E/CN.4/1991/L.88 is contained in annex III to the present report.

395. Draft resolution E/CN.4/1991/L.88 as a whole, as amended, was adopted by 22 votes to 6, with 15 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Canada, Czechoslovakia, France, Gambia, Germany, Hungary, Italy, Japan, Madagascar, Morocco, Panama, Philippines, Portugal, Senegal, Swaziland, Sweden, United States of America.

Against: China, Cuba, Ethiopia, Iraq, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Brazil, Burundi, Colombia, Cyprus, Ghana, India, Indonesia, Mauritania, Mexico, Pakistan, Peru, Somalia, Venezuela, Yugoslavia, Zambia.

396. Statements in explanation of vote after the vote were made by the representatives of Brazil and Ghana.

397. For the text as adopted, see chapter II, section A, resolution 1991/68.

398. In view of the adoption of draft resolution E/CN.4/1991/L.88 as amended, (see paras. 384-397) the representative of the United States of America withdrew draft resolution E/CN.4/1991/L.50.

Situation of human rights in Romania

399. At the 35th meeting, on 21 February 1991, the Special Rapporteur, Mr. J. Voyame, introduced his report (E/CN.4/1991/30) to the Commission.

400. At the 54th meeting, on 6 March 1991, the representative of Sweden introduced draft resolution E/CN.4/1991/L.53, sponsored by Australia, Austria, Canada, France, Germany, Hungary, Luxembourg*, the Netherlands*, Norway*, Portugal, Romania*, Sweden and the United Kingdom of Great Britain and Northern Ireland*. Denmark*, Greece*, Italy, Ireland*, Switzerland* and the United States of America subsequently joined the sponsors.

401. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.53 in a statement by the Secretary of the Commission.

402. The draft resolution was adopted without a vote.

403. For the text as adopted, see chapter II, section A, resolution 1991/69.

Situation of human rights in the Islamic Republic of Iran

404. At the 42nd meeting, on 26 February 1991, the Special Representative, Mr. R. Galindo Pohl, introduced his report (E/CN.4/1991/35) to the Commission.

405. On 25 February 1991, a draft resolution (E/CN.4/1991/L.31) was submitted by Afghanistan*, Algeria*, Bangladesh, Cuba, Ghana, Indonesia, the Islamic Republic of Iran*, the Libyan Arab Jamahiriya*, Pakistan, Sri Lanka* and the Sudan*, reading as follows:

> "*The Commission on Human Rights*,
>
> *Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,
>
> *Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms under the various international instruments in this field,
>
> *Taking note* of the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, including in particular the invitation for two visits to that country, and provision of all necessary information, including detailed replies to the allegations presented by the Special Representative,
>
> *Bearing in mind* that the Government of the Islamic Republic of Iran has accepted all the recommendations presented by the Special Representative,

Welcoming the decision of the Islamic Republic of Iran to invite the International Committee of the Red Cross to visit that country,

Aware of the expressed readiness of the Islamic Republic of Iran to maintain its cooperation with the United Nations on human rights, including, _inter alia_, the technical assistance and advisory services provided by the Centre for Human Rights,

Believing that a continuation of direct monitoring by the Special Representative is no longer necessary,

1. _Invites_ the Goverment of the Islamic Republic of Iran to continue its fruitful cooperation with the United Nations in the field of human rights;

2. _Requests_ the Government of the Islamic Republic of Iran to inform the Commission about the follow-up of the measures taken in this field at its forty-eighth session."

406. Madagascar, Myanmar*, Somalia, the Syrian Arab Republic* and Viet Nam* subsequently joined the sponsors of draft resolution E/CN.4/1991/L.31.

407. On 28 February 1991, a draft resolution (E/CN.4/1991/L.80) was submitted by Australia, Belgium, Canada, Denmark*, Finland*, France, Germany, Greece*, Iceland*, Ireland*, Italy, Liechtenstein*, Luxembourg*, the Netherlands*, Norway*, Portugal, Spain*, Sweden and the United Kingdom of Great Britain and Northern Ireland* reading as follows:

"_The Commission on Human Rights_,

Recalling its resolution 1990/79 of 7 March 1990 as well as General Assembly resolution 45/173 of 18 December 1990,

Noting the fact that the Government of Iran has continued to provide replies to the allegations communicated to it and that the Special Representative considers it useful to continue the exchange of information with the Government in order to arrive at specific conclusions whenever possible,

1. _Takes note with appreciation_ of the interim report to the General Assembly (A/45/697) and the final report to the Commission on Human Rights (E/CN.5/1991/35) in particular the conclusions and recommendations contained therein;

2. _Welcomes_ the cooperation extended by the Government of Iran to the Special Representative and urges the Government to continue its cooperation with the Special Representative in order to supplement and clarify information on allegations communicated to the Government;

3. *Expresses its concern* about the numerous and detailed allegations of grave human rights violations in the Islamic Republic of Iran and urges the Government of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights to which the Islamic Republic of Iran is a party;

4. *Notes* the invitation extended by the Government of Iran to the International Committee of the Red Cross on 24 October 1990 to visit prisons in the Islamic Republic of Iran and urges the Government to conclude an agreement in accordance with standard Red Cross procedures as soon as possible;

5. *Endorses* the view of the Special Representative that the question of displaced persons and refugees in Iran is not central to the mandate of the Special Representative but could be covered in future reports;

6. *Invites* the Secretary-General to respond favourably, in accordance with the normal practices of the Centre for Human Rights, to requests for technical assistance from the Government of the Islamic Republic of Iran;

7. *Decides* to extend the mandate of the Special Representative, as contained in its resolution 1984/54 of 14 March 1984, for a further year;

8. *Requests* the Special Representative to submit an interim report to the General Assembly at its forty-sixth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups, such as the Bahai's, and a final report of the Commission at its forty-eighth session;

9. *Requests* the Secretary-General to give all necessary assistance to the Special Representative;

10. *Decides* to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran as a matter of priority at its forty-eighth session."

408. At the 54th meeting, on 6 March 1991, the representative of Austria requested, in accordance with rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission adjourn the debate on draft resolutions E/CN.4/1991/L.31 and E/CN.4/1991/L.80.

409. Statements regarding the motion were made by the representatives of Austria and Pakistan.

410. A statement was also made by the observer for the Islamic Republic of Iran.

411. The Commission decided to adjourn the debate on the draft resolutions.

412. At the 55th meeting, the Commission considered a draft resolution submitted by the Chairman concerning the situation of human rights in the Islamic Republic of Iran (E/CN.4/1991/L.91).

413. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.91 in a statement by the Secretary of the Commission.

414. Draft resolutions E/CN.4/1991/L.31 and E/CN.4/1991/L.80 were withdrawn by their respective sponsors.

415. The representative of Iraq made a statement in connection with draft resolution E/CN.4/1991/L.91.

416. The draft resolution was adopted without a vote.

417. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of Austria, Bangladesh, Canada, France, Iraq, Pakistan, Philippines, Senegal and United States of America.

418. A statement was also made by the observer for the Islamic Republic of Iran regarding the adoption of the resolution.

419. For the text as adopted, see chapter II, section A, resolution 1991/82.

Cooperation with representatives of United Nations human rights bodies

420. At the 54th meeting, on 6 March 1991, the representative of Hungary introduced draft resolution E/CN.4/1991/L.54, sponsored by Austria, Czechoslovakia, the Gambia, Hungary, the Netherlands*, Swaziland and Sweden. Australia and Switzerland* subsequently joined the sponsors.

421. In introducing the draft resolution, the representative of Hungary orally revised it by inserting in paragraph 3 the words "or the General Assembly" between "Minorities" and "a reference".

422. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.54 in a statement by the Secretary of the Commission.

423. The draft resolution, as orally revised, was adopted without a vote.

424. For the text as adopted, see chapter II, section A, resolution 1991/70.

Summary or arbitrary executions

425. At the 42nd meeting, on 26 February 1991, the Special Rapporteur, Mr. S. Amos Wako, introduced his report (E/CN.4/1991/36) to the Commission.

426. At the 54th meeting, on 6 March 1991, the representative of Sweden introduced draft resolution E/CN.4/1991/L.57, sponsored by Belgium, Canada, Cyprus, Denmark*, Finland*, France, the Gambia, Greece*, Italy, Luxembourg*, the Netherlands*, New Zealand*, Norway*, Panama, Spain*, Sweden, Switzerland*, Togo* and the United Kingdom of Great Britain and Northern Ireland*.

427. The draft resolution was adopted without a vote.

428. For the text as adopted, see chapter II, section A, resolution 1991/71.

Responsibility for the violations of human rights and fundamental freedoms

429. On 28 February 1991, a draft resolution (E/CN.4/1991/L.60) was submitted by the Byelorussian Soviet Socialist Republic*, Cyprus, Kuwait*, Panama and the Ukrainian Soviet Socialist Republic, reading as follows:

"The Commission on Human Rights,

Guided by the goals and principles of the Charter of the United Nations, the Universal Declaration on Human Rights, the International Covenant on Civil and Potitical Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil their obligations in accordance with the Charter of the United Nations and international instruments in the field of human rights,

Recalling that according to article 2 of both Covenants on Human Rights, Member States should undertake, in conformity with their constitutional procedures, legislative and other measures, necessary for the implementation of rights enshrined in the Covenants,

Expressing its grave concern at considerable losses caused to individuals, groups and peoples as a result of violations of human rights and fundamental freedoms, particularly those involving consistent patterns of gross violations,

Convinced that violations of international obligations concerning human rights and fundamental freedoms, particularly gross and systematic violations, should result both in the international legal responsibility of States, and in the responsibility of individuals guilty of human rights violations under domestic law, Noting that notwithstanding a number of existing separate norms and principles which establish such responsibility, further efforts should be undertaken with a view to elaboration of the international legal régime of responsibility,

Convinced also that the articulation of further clear rules regulating responsibility for violations of obligations concerning human rights and fundamental freedoms would serve as a deterrent which could to a great extent prevent such violations,

1. Expresses its concern at violations of human rights and fundamental freedoms still occurring in many parts of the world, in particular, gross and systematic violations, which mean the negation of the principles of the Charter of the United Nations, provisions of the Universal Declaration of Human Rights, International Covenants on Human Rights and other international legal instruments in this field;

2. Considers that the establishment of further clear rules regulating responsibility for human rights violations could serve as one of the basic preventive guarantees aimed at averting any infringements of human rights and fundamental freedoms;

3. Considers also necessary in this connection the elaboration of effective legally binding rules of responsibility for violations of human rights and fundamental freedoms;

4. Requests the International Law Commission to consider the topic of State responsibility for violations of human rights and fundamental freedoms in the context of its elaboration of a draft convention on the responsibility of States;

5. Appeals to States which have not yet done so, to undertake necessary legislative measures with a view to establishment of appropriate legal responsibility under domestic law of those responsible for violations of human rights and fundamental freedoms;

6. Decides to consider this topic again at its forty-eighth session."

430. At the 54th meeting, on 6 March 1991, the representative of the Ukrainian Soviet Socialist Republic introduced a revised draft resolution (E/CN.4/1991/L.60/Rev.1), sponsored by the same member and observer States as draft resolution E/CN.4/1991/L.60.

431. In introducing the revised draft resolution, the representative of the Ukrainian Soviet Socialist Republic orally revised it by deleting from the sixth preambular paragraph the word "international".

432. The revised draft resolution, as orally revised, was adopted without a vote.

433. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of Germany, India and the United States of America.

434. For the text as adopted, see chapter II, section A, resolution 1991/72.

Human rights and mass exoduses

435. At the 54th meeting, on 6 March 1991, the representative of Canada introduced draft resolution E/CN.4/1991/L.61, sponsored by Australia, Canada, Colombia, Costa Rica*, Germany, Hungary, Italy, Japan, Jordan*, Luxembourg*, New Zealand*, the Philippines, Poland*, Turkey* and the United States of America. Greece* subsequently joined the sponsors.

436. The draft resolution was adopted without a vote.

437. For the text as adopted, see chapter II, section A, resolution 1991/73.

Situation of human rights in Iraq

438. At the 54th meeting, on 6 March 1991, the representative of Belgium introduced draft resolution E/CN.4/1991/L.68, sponsored by Australia, Austria, Belgium, Canada, Costa Rica*, Czechoslovakia, Denmark*, Finland*, France, the Gambia, Germany, Greece*, Hungary, Ireland*, Italy, Japan, Luxembourg*, the Netherlands*, Norway*, Portugal, Rwanda*, Spain*, Sweden, Togo*, the United Kingdom of Great Britain and Northern Ireland* and the United States of America. Kuwait* and Liechtenstein* subsequently joined the sponsors. The Gambia subsequently requested to be deleted from the list of sponsors.

439. In introducing the draft resolution, the representative of Belgium orally revised it by adding at the end of paragraph 4 the words "and to communicate to the Commission any new measures the Government of Iraq may take in the field of human rights".

440. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.68 in a statement by the Secretary of the Commission.

441. A statement relating to the draft resolution was made by the representative of Iraq.

442. Statements in explanation of vote before the vote were made by the representatives of Canada and Cuba.

443. At the request of the representative of Iraq, a roll-call vote was taken on draft resolution E/CN.4/1991/L.68. The draft resolution was adopted by 30 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Burundi, Canada, Colombia, Cyprus, Czechoslovakia, Ethiopia, France, Gambia, Germany, Hungary, Italy, Japan, Mexico, Panama, Peru, Philippines, Portugal, Senegal, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Venezuela, Yugoslavia.

Against: Iraq

Abstaining: Bangladesh, China, Cuba, Ghana, India, Indonesia, Madagascar, Pakistan, Somalia, Zambia.

The representative of Morocco stated that his delegation was not participating in the vote.

444. The representative of Senegal made a statement in explanation of vote after the vote.

445. For the text as adopted, see chapter II, section A, resolution 1991/74.

Situation of human rights in El Salvador

446. At the 40th meeting, on 25 February 1991, the Special Representative, Mr. J.A. Pastor Ridruejo, introduced his report (E/CN.4/1991/34) to the Commission.

447. At the 54th meeting, on 6 March 1991, the representative of Venezuela introduced draft resolution E/CN.4/1991/L.81, sponsored by Argentina, Brazil, Colombia, France, Greece*, Mexico, Peru, Spain* and Venezuela. Bolivia*, Portugal and Uruguay* subsequently joined the sponsors.

448. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.81 in a statement by the Secretary of the Commission.

449. The draft resolution was adopted without a vote.

450. For the text as adopted, see chapter II, section A, resolution 1991/75.

Situation of human rights in Albania

451. At the 54th meeting, on 6 March 1991, the representative of Portugal introduced draft resolution E/CN.4/1991/L.84, sponsored by Austria, Belgium, Canada, Denmark*, France, Germany, Ireland*, Luxembourg*, the Netherlands*,

Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland*. Panama and the United States of America subsequently joined the sponsors.

452. A statement relating to the draft resolution was made by the observer for Albania.

453. The draft resolution was adopted without a vote.

454. After the adoption of the resolution, a statement in explanation of his delegation's position was made by the representative of China.

455. For the text as adopted, see chapter II, section A, resolution 1991/76.

Situation of human rights in Haiti

456. At the 36th meeting, on 21 February 1991, the independent Expert, Mr. Philippe Texier, introduced his report (E/CN.4/1991/33 and Add.1) to the Commission.

457. At the 54th meeting, on 6 March 1991, the representative of France introduced draft resolution E/CN.4/1991/L.85, sponsored by Argentina, Brazil, Canada, Colombia, Czechoslovakia, France, Germany, Mexico, the Netherlands*, Peru, Portugal, Senegal and Venezuela.

458. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.85 in a statement by the Secretary of the Commission.

459. The draft resolution was adopted without a vote.

460. For the text as adopted, see chapter II, section A, resolution 1991/77.

Situation of human rights in Afghanistan

461. At the 37th meeting, on 22 February 1991, the Special Rapporteur, Mr. Felix Ermacora, introduced his report (E/CN.4/1991/31) to the Commission.

462. At the 54th meeting, on 6 March 1991, the representative of Italy introduced draft resolution E/CN.4/1991/L.87, sponsored by Australia, Belgium, Denmark*, France, Germany, Greece*, Ireland*, Italy, Japan, Luxembourg*, the Netherlands*, Norway*, Portugal, Spain*, Sweden and the United Kingdom of Great Britain and Northern Ireland.* Canada subsequently joined the sponsors.

463. The attention of the Commission was drawn to the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.87 in a statement by the Secretary of the Commission.

464. The draft resolution was adopted without a vote.

465. Subsequently, the representative of the Union of Soviet Socialist Republics made a statement to the effect that had there been a vote, his delegation would not have participated.

466. For the text as adopted, see chapter II, section A, resolution 1991/78.

A. Question of human rights in Cyprus

467. In connection with agenda item 12 (a), the Commission had before it the report of the Secretary-General submitted in accordance with Commission on Human Rights decision 1990/104 (E/CN.4/1991/27).

468. Statements 3/ were made by the following members of the Commission: Argentina (36th), Austria (42nd), Brazil (41st), Burundi (34th), China (40th), Cuba (36th), Cyprus (36th), Czechoslovakia (42nd), Ethiopia (34th), Ghana (36th), India (42nd), Japan (42nd), Madagascar (36th), Mexico (39th), Pakistan (36th), Peru (40th), Ukrainian Soviet Socialist Republic (39th and 40th), Union of Soviet Socialist Republics (40th), United States of America (33rd), Venezuela (42nd), Yugoslavia (36th), Zambia (36th).

469. The Commission also heard statements by the observers for: Algeria (36th), Bolivia (41st), Bulgaria (44th), Byelorussian Soviet Socialist Republic (44th), Greece (44th), Luxembourg (on behalf of the European Community and its member States) (43rd), Nigeria (36th), Syrian Arab Republic (42nd), Turkey (40th).

470. The Commission also heard statements by the following non-governmental organizations: Christian Democratic International (40th), Greek Orthodox Archdiocesan Council of North and South America (42nd), International Council of Voluntary Agencies (35th), International Federation for the Protection of Rights of Ethnic, Religious, Linguistic and Other Minorities (40th).

471. Statements in exercise of the right of reply or its equivalent were made by the representative of Cyprus (41st and 42nd), and the observers for Greece (41st) and Turkey (41st).

472. At the 44th meeting, on 27 February 1991, the Chairman proposed a draft decision postponing the debate on agenda item 12 (a) to the forty-eighth session of the Commission where it would be given due priority, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation. The observer for Turkey requested that his reservations with respect to the previous decisions of the Commission be placed on record.

473. The Commission adopted the draft decision without a vote.

474. For the text as adopted, see chapter II, section B, decision 1991/106.

B. Situation of human rights in occupied Kuwait

475. In connection with agenda item 12 (b), the Commission had before it the following documents:

> Letter dated 5 February 1991 from the Permanent Mission of Kuwait to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/70);
>
> Note verbale dated 11 February 1991 from the Permanent Representative of Iraq to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights (E/CN.4/1991/74);
>
> Letter dated 24 October 1990 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (S/21907 and Corr.1).

476. Statements 3/ were made by the following members of the Commission: Austria (42nd), Brazil (41st), Burundi (34th), Canada (41st), China (40th), Cuba (40th), Gambia (43rd), India (40th), Iraq (36th), Japan (42nd), Mexico (39th), Peru (40th), Senegal (43rd), Sweden (42nd), Union of Soviet Socialist Republics (40th), United States of America (33rd), Zambia (36th).

477. The Commission also heard statements by the observers for: Bahrain (37th), Bolivia (41st), Egypt (40th), Finland (40th), Kuwait (40th), Luxembourg (on behalf of the European Community and its member States) (43rd), Norway (42nd), Oman (42nd), Poland (36th), Qatar (36th), Saudi Arabia (37th), Syrian Arab Republic (42nd), United Arab Emirates (37th), United Kingdom of Great Britain and Northern Ireland (40th).

478. A statement was also made by the representative of the International Labour Organisation (37th).

479. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (40th), Arab Organization for Human Rights (34th), Christian Democratic International (40th), International Commission of Jurists (34th), International Council of Voluntary Agencies (35th), International Federation for the Protection of Rights of Ethnic, Religious, Linguistic and Other Minorities (40th), Liberal International (36th), World Federation of Trade Unions (35th), World Muslim Congress (34th), World Union for Progressive Judaism (39th).

480. Statements in exercise of the right of reply or its equivalent were made by the representatives of Iraq (39th and 41st) and the United States of America (39th) and the observers for Bahrain (39th), Egypt (42nd), Kuwait (37th and 39th) and Saudi Arabia (39th).

481. On 26 February 1991, a draft resolution (E/CN.4/1991/L.48) was submitted by Argentina, Australia, Austria, Bahrain*, Brazil, Canada, Costa Rica*, Cyprus, Czechoslovakia, Egypt*, Finland*, the Gambia, Hungary, Kenya*, Lebanon*, Luxembourg*, Oman*, the Philippines, Qatar*, Saudi Arabia*, Senegal, Somalia*, Swaziland, Sweden, the Syrian Arab Republic*, the Ukrainian Soviet Socialist Republic, the United Arab Emirates* and Yugoslavia, reading as follows:

"*The Commission on Human Rights*,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Human Rights, the Geneva Conventions of 12 August 1949 and the First Additional Protocol of 1977 relating to the protection of victims of international armed conflicts and the Hague Convention IV of 1907,

Recalling General Assembly resolution 45/170 of 18 December 1990 concerning the situation of human rights in occupied Kuwait,

Also recalling Security Council resolutions 666 of 13 September 1990 and 661 of 6 August 1990 (paras. 3 (c) and 4),

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their obligations under the relevant international instruments,

Condemning the invasion and occupation of Kuwait on 2 August 1990 by the military forces of Iraq,

Alarmed that the acts of the Iraqi forces in occupied Kuwait continue to cause enormous human suffering to the civilian population,

Noting with grave concern the information to the effect that the treatment of prisoners of war and detained civilians in occupied Kuwait does not conform to the internationally recognized principles of humanitarian law,

Expressing grave concern at the continued refusal of Iraq to receive representatives of humanitarian organizations, especially representatives of the International Committee of the Red Cross and a representative of the Secretary-General, to help in extending humanitarian assistance to the Kuwaiti people under occupation,

1. *Strongly condemns* the Iraqi authorities and occupying forces for their grave violations of human rights against the Kuwaiti people and nationals of other States and in particular the continued and increasing acts of torture, arbitrary arrests, summary executions and disappearances in violation of the Charter of the United Nations, the International Covenants on Human Rights, and other relevant legal instruments;

2. *Expresses its serious concern* about the systematic destruction, dismantling and pillaging of the economic infrastructure of Kuwait, which seriously undermine the present and future enjoyment by the Kuwaiti people of their economic, social and cultural rights;

3. *Demands* that Iraq comply with its obligations under the Charter of the United Nations and the contemporary norms of international law in respect of nationals of other States, and demands that Iraq release all such nationals;

4. *Condemns* the rejection by Iraq of the offer of the Government of Kuwait and various humanitarian organizations to send humanitarian assistance, especially medicine, to the Kuwaiti people under occupation;

5. *Affirms* that the fourth Geneva Convention, of 12 August 1949, relative to the Protection of Civilian Persons in Time of War applies to Kuwait and that as a high contracting party to the Convention Iraq is bound to comply fully with all its provisions;

6. *Insists* that Iraq treat all prisoners of war and detained civilians in accordance with the internationally recognized principles of humanitarian law and that it refrain from subjecting them to all acts of violence, including ill-treatment, torture and summary execution;

7. *Demands* that Iraq guarantee respect for international standards applicable under international law, in particular with reference to the protection of the civilian population, and further demands that Iraq immediately cooperate fully with and give access to representatives of humanitarian organizations to Kuwait, especially the International Committee of the Red Cross, and to allow them to extend humanitarian assistance to the civilian population of Kuwait;

8. *Welcomes* the intention of the Government of Kuwait, immediately following its restoration, to provide access to the International Committee of the Red Cross and other humanitarian organizations in order to assist in caring for the civilian population of Kuwait;

9. *Decides* to appoint an individual of recognized international standing as special rapporteur with a mandate to examine the human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq and to report as soon as possible to the General Assembly and the Commission on Human Rights at its forty-eighth session;

10. Requests the chairman of the forty-seventh session of the Commission on Human Rights, in consultation with the Bureau, to designate the special rapporteur;

11. Authorizes the special rapporteur to seek relevant information from the Government of Kuwait, specialized agencies and intergovernmental and non-governmental organizations;

12. Requests the special rapporteur to prepare a preliminary report as soon as possible and to transmit it to the Secretary-General for dissemination to all Member States of the United Nations;

13. Requests the Secretary-General to provide all necessary assistance to the special rapporteur to enable him to carry out his mandate in the best possible conditions;

14. Decides to consider the situation of human rights in occupied Kuwait at its forty-eighth session."

482. At the 54th meeting, on 6 March 1991, the observer for Kuwait introduced a revised draft resolution (E/CN.4/1991/L.48/Rev.1), sponsored by Argentina, Australia, Austria, Bahrain*, Brazil, Bulgaria*, Canada, Costa Rica*, Cyprus, Czechoslovakia, El Salvador*, Egypt*, Finland*, the Gambia, Ghana, Hungary, Japan, Kenya*, Kuwait*, Lebanon*, Luxembourg*, Oman*, Pakistan, the Philippines, Poland*, Qatar*, Saudi Arabia*, Senegal, Somalia, Swaziland, Sweden, the Syrian Arab Republic*, Turkey*, Ukrainian Soviet Socialist Republic, the United Arab Emirates* and Yugoslavia. Bangladesh and Liechtenstein* subsequently joined the sponsors.

483. At the same meeting, the representative of Iraq proposed amendments (E/CN.4/1991/L.90) to draft resolution E/CN.4/1991/L.48/Rev.1 which read as follows:

(a) Add following new paragraph after the seventh preambular paragraph:

"Noting with grave concern current reports from Kuwait about the subjection of Arab citizens, Palestinians, Egyptians, Sudanese, and Iraqis in particular, to acts of revenge by the Kuwaiti armed forces and by armed civilians,"

(b) Add a new paragraph 2, as follows:

"2. Strongly condemns acts of revenge, killing, arbitrary arrest, torture, and other violations of human rights to which Palestinians, Sudanese, Egyptians, and Iraqis are now being subjected at the hands of the Kuwaiti military forces and the armed civilian forces currently controlling Kuwait City;"

Renumber subsequent paragraphs;

(c) In original paragraph 9 insert the words "and the acts of revenge currently being perpetrated by Kuwaiti forces against Arab citizens" between "Iraq" and "and to report".

484. Statements relating to the amendments proposed by Iraq were made by the representatives of Canada and France, and by the observer for Egypt.

485. The representative of France requested a vote on the amendments. The amendments were rejected by 33 votes to 2, with 5 abstentions.

486. The attention of the Commission was drawn to an estimate of administrative and programme budget implications 1/ of revised draft resolution E/CN.4/1991/L.48/Rev.1 in a statement by the Secretary of the Commission.

487. A statement in explanation of vote before the vote on draft resolution E/CN.4/1991/L.48/Rev.1 was made by the representative of Iraq.

488. At the request of the representative of Iraq, a vote was taken on draft resolution E/CN.4/1991/L.48/Rev.1. The draft resolution was adopted by 41 votes to 1.

489. For the text as adopted, see chapter II, section A, resolution 1991/67.

C. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-sixth session

490. The Commission considered item 12 (c) in closed session at its 32nd (second part) and 33rd (first part) meetings, held on 19 and 20 February, at its 42nd meeting (second part), on 26 February, at its 47th meeting (first part), on 1 March and at its 55th meeting (first part), on 7 March 1991. It had before it for consideration the human rights situations in Chad, Myanmar, Somalia, the Sudan and Zaire under Economic and Social Council resolution 1503 (XLVIII), as publicly announced by the Chairman after the first part (closed) of the 55th meeting. The Chairman also announced that the Commission had decided to discontinue consideration of the human rights situation in Zaire.

491. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

492. At the 55th meeting the Chairman announced that, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the following members of the Commission had been designated to serve in their personal capacity on the Working Group on Situations meeting prior to its forty-eighth session in 1992:

Mr. Daode Zhan (China)

Mr. José Eduardo Mestre Sarmiento (Colombia)

and that three other members of the Working Group would be announced at a later date.

XIII. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

493. The Commission considered agenda item 13 at its 50th meeting, on 4 March and at its 53rd meeting, on 6 March 1991. 2/

494. The Commission had before it the report of the General Assembly's Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.3/45/1) and General Assembly resolution 45/158 of 18 December 1990.

495. At the 50th meeting, in the general debate on item 13, statements were made by the following members of the Commission: Indonesia, Mexico, Morocco, Philippines, Yugoslavia.

496. At the same meeting, the Commission also heard statements by the observer for Egypt.

497. Also at the same meeting, statements were also made by the following non-governmental organizations: International Confederation of Free Trade Unions, Movement against Racism and for Friendship among Peoples, World Confederation of Labour.

498. At the 53rd meeting, the representative of Mexico introduced draft resolution E/CN.4/1991/L.58, sponsored by Algeria*, Argentina, Bolivia*, Chile*, Colombia, Cuba, Czechoslovakia, Ecuador*, Egypt*, Finland*, France, Greece*, Italy, Mexico, Morocco, Pakistan, Panama, Peru, the Philippines, Portugal, Rwanda*, Senegal, Sweden, Tunisia*, Venezuela and Yugoslavia. Ghana, India, Madagascar and Uruguay* subsequently joined the sponsors.

499. A statement in explanation of vote before the vote was made by the representative of Japan.

500. The draft resolution was adopted without a vote.

501. After the adoption of the resolution a statement in explanation of his delegation's position was made by the representative of Germany.

502. For the text as adopted, see chapter II, section A, resolution 1991/60.

XIV. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

503. The Commission considered agenda item 14 at its 44th meeting, on 27 February, and at its 52nd meeting, on 5 March 1991. 2/

504. The Commission had before it the following documents:

Note by the Secretary-General on the study prepared by the United Nations University pursuant to Commission resolutions 1988/59 and 1990/39 (E/CN.4/1991/38);

Report of the working group on the principles for the protection of persons with mental illness and for the improvement of mental health care (E/CN.4/1991/39);

Report of the Secretary-General on the movement and dumping of toxic and dangerous products and wastes prepared in accordance with Commission resolution 1990/43 (E/CN.4/Sub.2/1990/7);

Note prepared by Mrs. Fatma Zohra Ksentini, pursuant to Sub-Commission decision 1989/108 (E/CN.4/Sub.2/1990/12);

Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/46).

505. At the 44th meeting, the Chairman-Rapporteur of the open-ended working group, established under Commission resolution 1989/40 of 6 March 1989 entitled "Principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder", Mr. H. Steel (United Kingdom of Great Britain and Northern Ireland), introduced the working group's report (E/CN.4/1991/39) to the Commission.

506. At the same meeting, in the general debate on item 14, statements were made by the following members of the Commission: Australia, Austria Bangladesh, Italy, Peru, Philippines, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Yugoslavia.

507. At the same meeting, the Commission heard statements by the observers for Tunisia and the United Kingdom of Great Britain and Northern Ireland.

508. Also at the same meeting, the Commission heard statements by the following non-governmental organizations: Disabled Peoples' International, Four Directions Council, Friends of the Earth, Grand Council of the Crees (of Quebec), International Association of Penal Law, International Educational Development Inc., International Federation of Human Rights, International

Fellowship of Reconciliation, International League for Human Rights, Minority Rights Group, World Conference on Religion and Peace, World Federation for Mental Health, World Movement of Mothers.

509. At its 52nd meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 14.

510. The Secretary of the Commission announced the following revisions made to draft resolution E/CN.4/1991/L.28:

(a) A new fifth preambular paragraph was inserted, which read as follows: "Aware that poverty and underdevelopment constitute causes of environmental degradation and that therefore efforts towards promoting environmentally sustainable development are essential if everyone is to live in an environment adequate for his or her health and well-being,";

(b) In paragraph 3, the words "and indigenous peoples' organizations," were deleted.

511. The representative of the Ukrainian Soviet Socialist Republic introduced draft resolution E/CN.4/1991/L.28, sponsored by Algeria*, Bulgaria*, China, Cyprus, Czechoslovakia, France, Greece*, Kenya*, Madagascar, Mongolia*, Nigeria*, Panama, Peru, Poland*, Senegal, the Ukrainian Soviet Socialist Republic and Viet Nam*. Cuba and Morocco subsequently joined the co-sponsors.

512. The representatives of Canada, Colombia and the Ukrainian Soviet Socialist Republic made statements in connection with draft resolution E/CN.4/1991/L.28.

513. The representative of the Ukrainian Soviet Socialist Republic further revised paragraph 3 by inserting the words "including indigenous peoples' organizations," after "non-governmental organizations,".

514. An estimate of the administrative and programme budget implications of draft resolution E/CN.4/1991/L.28 is contained in the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1991/2, annex III, resolution 1990/7).

515. The representative of the United States of America requested a vote on draft resolution E/CN.4/1991/L.28, and made an explanation of vote before the vote. The draft resolution was adopted by 39 votes to 1, with 1 abstention.

516. Statements in explanation of vote after the vote were made by the representatives of Ethiopia and Japan.

517. For the text as adopted, see chapter II, section A, resolution 1991/44.

518. In view of the adoption of draft resolution E/CN.4/1991/L.28 (see paras. 510-517), the Commission decided to take no action on draft resolution IV recommended by the Sub-Commission (see E/CN.4/1991/2, chap. I, sect. A).

519. At the same meeting, the representative of Yugoslavia introduced draft resolution E/CN.4/1991/L.55, and orally revised it by replacing the words "its deliberations" by "any conclusions" in paragraph 2.

520. The draft resolution, as orally revised, was adopted without a vote.

521. For the text as adopted, see chapter II, section A, resolution 1991/45.

522. At the same meeting, the observer for the United Kingdom of Great Britain and Northern Ireland introduced draft resolution E/CN.4/1991/L.63, sponsored by Australia, Austria, the Byelorussian Soviet Socialist Republic*, Costa Rica*, France, the Gambia, Greece*, Italy, Panama, Peru, the Philippines, Togo*, the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland*, the Union of Soviet Socialist Republics, Zaire* and Zimbabwe*. Spain* subsequently joined the sponsors.

523. The draft resolution was adopted without a vote.

524. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of Germany and Sweden.

525. For the text as adopted, see chapter II, section A, resolution 1991/46.

526. At the same meeting, the observer for Kenya introduced draft resolution E/CN.4/1991/L.70, sponsored by Angola*, Burundi, Cameroon*, Colombia, Côte d'Ivoire*, Czechoslovakia, Egypt*, Ethiopia, Ghana, Jordan*, Kenya*, Kuwait*, Lebanon*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania, Morocco, Panama, Rwanda*, Somalia, Swaziland, Zaire* and Zimbabwe*. Nigeria* and Zambia subsequently joined the sponsors.

527. The representative of Senegal made a statement in connection with draft resolution E/CN.4/1991/L.70.

528. The representative of the United States of America made a statement in explanation of vote before the vote.

529. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1991/L.70. The draft resolution was adopted by 29 votes to none, with 12 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Czechoslovakia, Ethiopia, Gambia, Ghana, India, Indonesia, Iraq, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Peru, Philippines, Senegal, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: None.

Abstaining: Australia, Austria, Belgium, Canada, France, Germany, Hungary, Italy, Japan, Portugal, Sweden, United States of America.

530. Statements in explanation of vote after the vote were made by the representatives of Australia, Belgium and Japan.

531. For the text as adopted, see chapter II, section A, resolution 1991/47.

XV. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

532. The Commission considered agenda item 15 concurrently with items 5, 6 and 16 (see chaps. V, VI and XVI), at its 12th to 17th meetings, from 5 to 8 February, and at its 38th meeting, on 22 February 1991. 2/

533. The Commission had before it the following documents:

> Note by the Secretary-General concerning the status of the Convention and the submission of reports by States parties under article VII of the Convention (E/CN.4/1991/40);
>
> Reports submitted by States parties under article VII of the Convention (E/CN.4/1991/40/Add.1 and 2);
>
> Note by the Secretary-General transmitting the views and information submitted by States parties, specialized agencies and non-governmental organizations in accordance with Commission resolution 1990/12 (E/CN.4/1991/41);
>
> Report of the Group of Three established under the Convention (E/CN.4/1991/42).

534. At the 12th meeting, on 5 February 1991, the Chairwoman-Rapporteur of the Group of Three, Mrs. N.L. Escaler, introduced the report of the Group on its fourteenth session (E/CN.4/1991/42).

535. In the general debate on item 15, statements 3/ were made by the following members of the Commission: Bangladesh (12th), Burundi (13th), Ethiopia (15th), Ghana (12th), India (16th), Indonesia (15th), Iraq (15th), Mauritania (14th), Mexico (13th), Philippines (16th), Venezuela (13th), Yugoslavia (16th), Zambia (16th).

536. The Commission also heard statements by the observers for: Algeria (16th), Cameroon (14th), Egypt (13th), Libyan Arab Jamahiriya (16th), Nigeria (12th), Sudan (16th), Syrian Arab Republic (16th), Tunisia (16th).

537. A statement was made by the following non-governmental organization: International Association against Torture (17th).

538. At its 38th meeting, the Commission took up consideration of draft resolution E/CN.4/1991/L.24, submitted under agenda item 15.

539. The observer for Zimbabwe introduced the draft resolution E/CN.4/1991/L.24, sponsored by Algeria*, Angola*, Burundi, Cameroon*, Cuba, Egypt*, Ethiopia, the Gambia, Ghana, India, the Islamic Republic of Iran*, Kenya*, Libyan Arab Jamahiriya*, Mauritania, Mexico, Nigeria*, Panama,

the Philippines, Rwanda*, Sao Tome and Principe*, Senegal, Sudan*, the Syrian Arab Republic*, Togo*, Tunisia*, the United Republic of Tanzania*, Zambia and Zimbabwe*. Iraq and Pakistan subsequently joined the sponsors.

540. The representative of Germany requested a separate roll-call vote on the sixth, seventh, ninth, twelfth and thirteenth preambular paragraphs and paragraphs 9, 10, 14 and 15 of the draft resolution. These paragraphs were adopted by 26 votes to 8, with 8 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Burundi, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Indonesia, Iraq, Mauritania, Mexico, Morocco, Pakistan, Panama, Peru, Philippines, Senegal, Somalia, Swaziland, Venezuela, Yugoslavia, Zambia.

Against: Belgium, Canada, France, Germany, Italy, Japan, Portugal, United States of America.

Abstaining: Australia, Austria, Brazil, Czechoslovakia, Hungary, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

541. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1991/L.24 as a whole. The draft resolution was adopted by 29 votes to 1, with 12 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Indonesia, Iraq, Mauritania, Mexico, Morocco, Pakistan, Panama, Peru, Philippines, Senegal, Somalia, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Portugal, Sweden.

542. Statements in explanation of vote after the vote were made by the representatives of Australia, Czechoslovakia, Germany and the Union of Soviet Socialist Republics.

543. For the text as adopted, see chapter II, section A, resolution 1991/10.

XVI. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

544. The Commission considered agenda item 16 concurrently with items 5, 6 and 15 (see chaps. V, VI and XV) at its 12th to 18th meetings, from 5 to 8 February, and at its 38th meeting, on 22 February 1991. 2/

545. The Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1991/43);

Annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI) (E/CN.4/1991/45);

Report of the Seminar on the political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid (E/CN.4/1991/63 and Add.1);

Letter dated 13 February 1991 from the Permanent Representative of the United States of America to the United Nations Office at Geneva, addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/75);

Letter dated 14 February 1991 from the Permanent Representative of Australia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1991/78);

Letter dated 18 February 1991 from the Permanent Representatives of Denmark, Finland, Iceland, Norway and Sweden to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1991/79);

Letter dated 19 February 1991 from the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1991/80);

Letter dated 11 February 1991 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1991/90).

546. In the general debate on item 16, statements 3/ were made by the following members of the Commission: Argentina (12th), Australia (16th), Bangladesh (12th), Brazil (15th), Burundi (13th), Cuba (16th), Czechoslovakia (15th), Ethiopia (15th), France (15th), India (16th), Iraq (15th), Morocco (16th), Philippines (16th), Senegal (16th), Union of Soviet Socialist Republics (14th), Yugoslavia (16th).

547. The Commission also heard statements by the observers for: Algeria (16th), Egypt (13th), Libyan Arab Jamahiriya (16th), Nigeria (12th), Sudan (16th), Syrian arab Republic (16th), Tunisia (16th), United Republic of Tanzania (16th), Zaire (16th).

548. The Commission heard statements by the following non-governmental organizations: International Association against Torture (17th), International Federation of Human Rights (17th), Minority Rights Group (13th), World Union for Progressive Judaism (17th).

549. A statement equivalent to the right of reply was made by the observer for the Syrian Arab Republic (18th).

550. At its 38th meeting, the Commission took up consideration of draft resolution E/CN.4/1991/L.20 submitted under agenda item 16.

551. The representative of Senegal introduced draft resolution E/CN.4/1991/L.20, sponsored by Algeria*, Angola*, Bangladesh, Brazil, Burundi, the Byelorussian Soviet Socialist Republic*, Cameroon*, China, Colombia, Côte d'Ivoire*, Cuba, Egypt*, Ethiopia, Gabon*, the Gambia, Ghana, India, Indonesia, the Islamic Republic of Iran*, Kenya*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania, Mexico, Morocco, Nigeria*, Pakistan, Panama, Peru, Philippines, Rwanda*, Sao Tome and Principe*, Senegal, Sri Lanka*, Sudan*, Swaziland, the Syrian Arab Republic*, Togo*, Tunisia*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania*, Venezuela, Yugoslavia, Zaire*, Zambia and Zimbabwe*. Somalia subsequently joined the sponsors.

552. In introducing the draft resolution, the representative of Senegal orally revised it by adding in paragraph 2 the words "the International Convention against Apartheid in Sports" between "Apartheid," and "and".

553. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.20 in a statement by the Secretary of the Commission.

554. The draft resolution, as orally revised, was adopted without a vote.

555. For the text as adopted, see chapter II, section A, resolution 1991/11.

XVII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

556. The Commission considered agenda item 17 concurrently with agenda items 7, 8 and 18 (see chaps. VII, VIII and XVIII) at its 17th to 21st meetings, from 8 to 12 February, and at its 38th meeting, on 22 February 1991. 2/

557. The Commission had before it the following documents:

> Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/45/403);
>
> Note by the Secretary-General on the reservations, declarations, notifications and objections relating to the International Covenant on Civil and Political Rights and the Optional Protocol thereto (CCPR/C/2/Rev.2);
>
> Note by the Secretary-General on the reservations, declarations and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1).

558. In the general debate on item 17, statements 3/ were made by the following members of the Commission: Australia (20th), Belgium (20th), Cyprus (20th), Italy (20th), Philippines (20th), Portugal (20th), Sweden (20th), Ukrainian Soviet Socialist Republic (20th), Union of Soviet Socialist Republics (17th).

559. The Commission also heard statements by the observers for Finland (21st) and New Zealand (20th).

560. A statement was also made by the following non-governmental organization: World Union for Progressive Judaism (21st).

561. A statement equivalent to the right of reply was made by the observer for the Syrian Arab Republic (22nd).

562. At its 38th meeting, the Commission took up consideration of the draft resolution E/CN.4/1991/L.17, submitted under item 17.

563. The representative of Sweden introduced draft resolution E/CN.4/1991/L.17, sponsored by Australia, Austria, Bulgaria*, Cameroon*, Cyprus, Czechoslovakia, Denmark*, Ecuador*, El Salvador*, Finland*, Hungary, the Netherlands*, New Zealand*, Nicaragua*, Norway*, the Philippines, Poland*, Portugal, Sweden, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. Canada, Switzerland*, and the United Kingdom of Great Britain and Northern Ireland*, subsequently joined the sponsors.

564. The draft resolution was adopted without a vote.

565. For the text as adopted, see chapter II, section A, resolution 1991/16.

XVIII. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

566. The Commission considered agenda item 18 concurrently with items 7, 8, and 17 (see chaps. VII, VIII and XVII) at its 17th to 21st meetings, from 8 to 12 February, and at its 38th meeting on 22 February and at its 47th meeting on 1 March 1991. 2/

567. The Commission had before it the following documents:

Note by the Secretary-General (A/45/636).

Report of the Secretary-General on computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems (E/CN.4/1991/46);

Note by the Secretary-General (E/CN.4/1991/71).

568. In the general debate on item 18, statements 3/ were made by the following members of the Commission: Australia (20th), Austria (19th), Cyprus (20th), Italy (20th), Philippines (20th), Portugal (20th), Sweden (20th), Ukrainian Soviet Socialist Republic (20th), Union of Soviet Socialist Republics (17th).

569. The Commission also heard statements by the observers for New Zealand (20th) and the United Kingdom of Great Britain and Northern Ireland (21st).

570. A statement was also made by the following non-governmental organization: World Union for Progressive Judaism (21st).

571. A statement equivalent to the right of reply was made by the observer for the Syrian Arab Republic (22nd).

572. At its 38th meeting, the Commission decided to take up action on draft resolution E/CN.4/1991/L.13, submitted under agenda item 18.

573. At the same meeting, at the request of the representative of Canada, the Commission decided to defer action on draft resolution E/CN.4/1991/L.13, sponsored by Australia, Austria, Canada, Costa Rica*, Czechoslovakia, Denmark*, Finland*, the Gambia, Greece*, Hungary, Italy, Kenya*, the Netherlands*, New Zealand*, the Philippines, Portugal, Sweden, the Ukrainian Soviet Socialist Republic and Yugoslavia. Germany and the United Kingdom of Great Britain and Northern Ireland* subsequently joined the sponsors.

574. At the 47th meeting, the representative of Canada introduced draft resolution E/CN.4/1991/L.13 and orally revised it as follows:

(a) In paragraph 4, the words "an annual" were replaced by "a biennial";

(b) Paragraph 11, reading:

> "Emphasizes that any temporary financial assistance from the United Nations regular budget should be provided without prejudice to the duty of States parties to United Nations instruments on human rights to meet all their financial obligations pursuant to such instruments;"

was replaced;

(c) In paragraph 12, the word "Endorses" was replaced by "Notes with interest";

(d) Paragraph 13, reading:

> "Requests the General Assembly to mandate the Secretary-General to take the appropriate steps in order to bring about the financing of the meetings of the treaty bodies from the regular budget of the United Nations;"

was replaced;

(e) In paragraph 14, the words "on financial" between "Assembly" and "and" were replaced by "examining the financial, legal".

575. The representative of the United States of America who had requested a roll-call vote on draft resolution E/CN.4/1991/L.13 subsequently withdrew his request.

576. The draft resolution, as orally revised, was adopted without a vote.

577. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of Japan and the United States of America.

578. For the text as adopted, see chapter II, Section A, resolution 1991/20.

XIX. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

579. The Commission considered agenda item 19 at its 50th meeting on 4 March, and at its 53rd and 54th meetings, on 6 March 1991. 2/

580. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session (E/CN.4/1991/2 and Corr.1);

Note by the Secretary-General transmitting the report of the Working Group on Indigenous Populations (E/CN.4/1991/47);

Report of Mr. Danilo Türk, Chairman of the Sub-Commission at its forty-second session, prepared in accordance with paragraph 18 of Commission resolution 1990/64 (E/CN.4/1991/48);

Note by the Secretary-General (E/CN.4/1991/76);

General Assembly resolution 45/164 of 18 December 1990;

Report submitted by Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1);

Report of the Working Group on Indigenous Populations on its eighth session (E/CN.4/Sub.2/1990/42);

Report of the Working Group on Contemporary Forms of Slavery on its fifteenth session (E/CN.4/Sub.2/1990/44);

Progress report submitted by Mr. Asbjørn Eide on the possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1990/46);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/13);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/18).

581. At the 50th meeting, Mr. Danilo Türk, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session, introduced his report (E/CN.4/1991/48), prepared in accordance with paragraph 18 of Commission resolution 1990/64.

582. Also at the 50th meeting, in the general debate on item 19, statements were made by the following members of the Commission: Australia, Austria, Bangladesh, Brazil, Canada, China, Colombia, Cuba, Ethiopia, Germany, Hungary, India, Mexico, the Philippines, Portugal, Union of Soviet Socialist Republics, United States of America.

583. At the same meeting, the Commission heard statements by the observers for the Netherlands, Poland, the United Kingdom of Great Britain and Northern Ireland.

584. Also at the same meeting, the Commission heard statements from the following non-governmental organizations: American Association of Jurists, Grand Council of the Crees (of Quebec), Indian Council of South America, International Abolitionist Federation, International Educational Development Inc., International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Liberation, World Union for Progressive Judaism.

585. At the same meeting, a statement in exercise of the right of reply was made by the representative of Indonesia.

586. At the 53rd meeting, the Commission took up consideration of the draft resolutions and draft decision submitted under agenda item 19.

587. The representative of Germany introduced draft resolution E/CN.4/1991/L.52, sponsored by Argentina, Austria, Belgium, Czechoslovakia, France, Germany, Greece*, Hungary, Japan, the Netherlands*, the Philippines, Spain*, Sweden, the United Kingdom of Great Britain and Northern Ireland* and Zaire*.

588. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.52 in a statement by the Secretary of the Commission.

589. The draft resolution was adopted without a vote.

590. After the adoption of the resolution, a statement in explanation of his delegation's position was made by the representative of Senegal.

591. For the text as adopted, see chapter II, section A, resolution 1991/56.

592. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1991/L.62, sponsored by Argentina, Australia, Bolivia*, Brazil, the Byelorussian Soviet Socialist Republic*, Canada, Chile*, China, Colombia, Czechoslovakia, Denmark*, Finland*, the Gambia, Ghana, Guatemala*, Hungary, Italy, Japan, Lebanon*, Madagascar, Mauritania, Mexico, New Zealand*, Nigeria*, Norway*, Panama, Peru, Portugal, Rwanda*, Senegal, Spain*, Sweden,

Togo*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Viet Nam* and Zaire*. Cyprus and the Philippines subsequently joined the sponsors.

593. The draft resolution was adopted without a vote.

594. For the text as adopted, see chapter II, section A, resolution 1991/57.

595. At the same meeting, the observer for the Netherlands introduced draft resolution E/CN.4/1991/L.76, sponsored by Belgium, Colombia, Costa Rica*, the Gambia, the Netherlands*, the Philippines, Portugal and Zaire*. Venezuela subsequently joined the sponsors.

596. In introducing the draft resolution, the observer for the Netherlands orally revised it by replacing in paragraph 9 the words "fund for" with "fund on".

597. The draft resolution, as orally revised, was adopted without a vote.

598. For the text as adopted, see chapter II, section A, resolution 1991/58.

599. On 28 February 1991, a draft resolution (E/CN.4/1991/L.79) was submitted by Canada, reading as follows:

> "*The Commission on Human Rights*,
>
> *Recalling* Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, giving special attention to the evolution of standards concerning the rights of indigenous populations,
>
> *Recalling also* its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts, in carrying out its plan of action, to continue the elaboration of international standards in this field,
>
> *Having examined* the report (E/CN.4/Sub.2/1990/3) of the Working Group on its eighth session,
>
> *Conscious* that, in various situations, indigenous populations are unable to enjoy their inalienable human rights and fundamental freedoms,
>
> *Bearing in mind* that international standards must be developed on the basis of the diverse realities of indigenous populations in all parts of the world,

Determined to do everything possible to promote the enjoyment of the rights of indigenous populations,

Reaffirming the decision of the Working Group, at its first session, that its working languages are Spanish and English,

1. Expresses its appreciation to the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its eighth session in the area of standard-setting, and for its continued broad approach and flexible methods of work;

2. Further expresses its appreciation for the active and constructive participation in the work of the Working Group of observers for Governments, the specialized agencies, non-governmental organizations and, in particular, indigenous organizations and communities;

3. Welcomes the decision of the Sub-Commission to continue to entrust to the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, the further development of a draft declaration on indigenous rights within the framework contained in her working paper, taking into consideration, inter alia, the comments on the draft declaration which will be provided by Governments, indigenous organizations and communities, and other interested parties in accordance with the relevant resolution of the Sub-Commission;

4. Requests the Secretary-General to give the Chairman-Rapporteur of the Working Group the resources and assistance needed to carry out her task;

5. Recommends to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the annual forty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for the purpose of intensifying its efforts to complete a draft declaration on indigenous rights in consultation with interested Governments and organizations of indigenous peoples;

6. Urges the Working Group to intensify its efforts to continue and to complete as soon as possible the elaboration of international standards based on a continued and comprehensive review of developments pertaining to the promotion and protection of the human rights of indigenous populations and of the situation and aspirations of indigenous populations throughout the world;

7. Requests the Secretary-General to give all the necessary assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental

organizations and organizations and communities of indigenous populations, in order to encourage the widest possible participation in its work;

8. Requests the Secretary-General:

(a) To transmit the report of the Working Group to Governments, indigenous peoples, intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions aimed at the clarification, simplification and generalization of the texts contained in the annexes to its report;

(b) To ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both Spanish and English;

(c) To prepare a brief note on the financial implications of convening one or more of the future sessions of the Working Group in Latin America or Asia, for consideration by the Working Group at its ninth session;

(d) To organize a regional training course in Latin America on the United Nations, human rights and indigenous peoples, as a matter of the highest priority and in accordance with Sub-Commission resolution 1989/35 of 1 September 1989, and for this purpose to utilize to the greatest possible extent the expertise of the members of the Working Group and of indigenous peoples' organizations;

9. Expresses its gratitude and appreciation to the Governments and organizations which have already made contributions to the United Nations Voluntary Fund for Indigenous Populations;

10. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for initial as well as further contributions to the Fund."

600. At the 53rd meeting, the representative of Canada introduced a revised draft resolution (E/CN.4/1991/L.79/Rev.1), sponsored by Australia, Canada, Colombia, Cyprus, Denmark*, Greece*, Mexico, New Zealand*, Norway*, Philippines, Portugal, Sweden and Zaire*. Finland subsequently joined the sponsors.

601. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.79/Rev.1 in a statement by the Secretary of the Commission.

602. The representative of the United States of America requested a separate vote on paragraph 8 (d) of draft resolution E/CN.4/1991/L.79/Rev.1, which was adopted by 41 votes to 1.

603. The draft resolution as a whole was adopted without a vote.

604. After the adoption of the resolution, a statement in explanation of his delegation's position was made by the representative of the United States of America.

605. For the text as adopted, see chapter II, section A, resolution 1991/59.

606. In view of the adoption of draft resolution E/CN.4/1991/L.79/Rev. 1 (see paras. 600-605), the Commission decided to take no action on draft decision 2 recommended by the Sub-Commission (see E/CN.4/1991/2, chap. I, sect. B) for adoption by the Commission.

607. At the same meeting, the Commission postponed consideration of draft resolution E/CN.4/1991/L.71 and of draft resolution II, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1991/2, chap. I, sect. A).

608. At the 54th meeting, the representative of Cuba introduced draft resolution E/CN.4/1991/L.71, sponsored by Cuba.

609. In introducing the draft resolution, the representative of Cuba orally revised it as follows:

(a) In the third preambular paragraph, after the word "namely", the sentence was reworded to read:

> "that the decision to take a vote by secret ballot was reached by general agreement, and the question was akin to an election";

(b) A new paragraph 1 was added which read as follows:

> "1. Takes note of Sub-Commission resolution 1990/4 of 23 August 1990";

(c) In original paragraph 1, renumbered as paragraph 2, the words "including the possibility of drafting special new rules of procedure for the Sub-Commission which would be more in keeping with the characteristics of a body of independent experts" were deleted;

(d) At the end of original paragraph 2, renumbered as paragraph 3, the words "through the Chairman of its forty-third session" were added.

610. At the same meeting, the representative of France orally proposed the following amendments to draft resolution E/CN.4/1991/L.71:

(a) In the second preambular paragraph, after the words "15 December 1989," add "in particular, paragraphs 43, 47, 50, 52, 54 and 55";

(b) Add the following paragraph as a new third preambular paragraph:

"_Believing_ that situations of serious violations of human rights in certain countries which come before the Sub-Commission may require the use of a secret ballot to strengthen the independence of the membership,";

(c) Replace the original third preambular paragraph which read:

"_Bearing in mind_ that, on 16 February 1984 and 31 July 1989, the Legal Counsel of the United Nations informed the Sub-Commission that, in his Office's opinion, it was appropriate to hold secret ballots only if one of the following two conditions was met, namely, that the decision to hold a secret ballot had the agreement of all its members or that the matter under discussion was comparable to an election,"

by the following:

"_Bearing in mind_ the opinions of the Legal Counsel of the United Nations dated 16 February 1984 and 31 July 1989,";

(d) Delete original fourth preambular paragraph;

(e) Replace paragraphs 1 and 2 which read:

"1. _Requests_ the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider this matter again under item 4 of the provisional agenda for its forty-third session in order to study ways and means of strengthening the independence of its members, including the possibility of drafting special new rules of procedure for the Sub-Commission which would be more in keeping with the characteristics of a body of independent experts;

2. _Also requests_ the Sub-Commission to report to it on this question at its forty-eighth session."

by the following:

"1. _Proposes_ that the Economic and Social Council interpret the rules of procedure as they pertain to the Sub-Commission;

2. Recommends the following draft resolution to the Economic and Social Council for adoption at its next session:

The Economic and Social Council,

Taking into account the relevant opinions of the Legal Counsel of the United Nations dated 14 February 1984 and 30 July 1989, interprets rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council as follows: it is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities may vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it so decides by a majority of its present and voting members."

611. Subsequently, the representative of France withdrew his fourth amendment.

612. The representative of Cuba accepted the first and the third amendments proposed by France. The representative of Cuba then moved that the Commission should take a decision on whether the last amendment proposed by France constituted an amendment under rule 63 of the rules of procedure of the functional commissions of the Economic and Social Council.

613. With regard to the proposed amendments, statements were made by the representatives of Australia, Belgium, China, Cuba, France, India, Pakistan, the Philippines and Senegal.

614. At the request of the representative of Cuba, a roll-call vote was taken on his motion that the last amendment proposed by France constituted a new proposal rather than an amendment. The motion was rejected by 19 votes to 17, with 6 abstentions. The voting was as follows:

In favour: Bangladesh, Burundi, China, Colombia, Cuba, Ethiopia, Ghana, India, Indonesia, Iraq, Madagascar, Pakistan, Peru, Philippines, Somalia, Yugoslavia, Zambia.

Against: Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Mauritania, Panama, Portugal, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America.

Abstaining: Argentina, Cyprus, Mexico, Morocco, Swaziland, Venezuela.

615. Statements in explanation of vote before the vote on the proposed amendments were made by the representatives of Australia, Belgium, Canada, Colombia, Cuba, Ethiopia, France, Germany, India, the Philippines, Portugal and Zambia.

616. The representative of Cuba requested a separate vote on the second amendment proposed by France, which was adopted by 25 votes to 6, with 12 abstentions.

617. At the request of the representative of Cuba, a roll-call vote was taken on the fifth amendment proposed by France, which was adopted by 23 votes to 3, with 17 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, France, Gambia, Germany, Hungary, Italy, Japan, Mauritania, Mexico, Panama, Portugal, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Venezuela.

Against: China, Cuba, Ethiopia.

Abstaining: Bangladesh, Burundi, Colombia, Cyprus, Ghana, India, Indonesia, Iraq, Madagascar, Morocco, Pakistan, Peru, Philippines, Somalia, Swaziland, Yugoslavia, Zambia.

618. A statement in explanation of vote before the vote on draft resolution E/CN.4/1991/L.71, as amended, was made by the representative of Cuba.

619. The draft resolution E/CN.4/1991/L.71, as amended, was adopted by 23 votes to 4, with 15 abstentions.

620. Statements in explanation of vote after the vote were made by the representatives of Burundi, India, Indonesia, Peru and Senegal.

621. For the text as adopted, see chapter II, section A, resolution 1991/81.

622. In view of the adoption of draft resolution E/CN.4/1991/L.17 (see paras. 608-621), the Commission decided to take no action on draft resolution II, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1991/2, chap. I, sect. A).

XX. RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

623. The Commission considered agenda item 20 at its 50th and 51st meetings, on 4 and 5 March, and at its 53rd meeting, on 6 March 1991 2/.

624. The Commission had before it the following documents:

Analytical compilation of the comments received in pursuance of paragraph 3 of Commission on Human Rights resolution 1990/45 on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1991/52 and Add.1 and 2);

Report of the Working Group on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1991/53 and Corr.1);

Note verbale, dated 5 March 1991, from the Permanent Mission of Bulgaria to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1991/88);

Progress report on the possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities, submitted by Mr. Asbjørn Eide, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/46);

Letter dated 5 January 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Albania to the United Nations addressed to the Secretary-General (A/46/59-E/1991/7);

Letter dated 19 January 1991 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General (A/46/71-E/1991/9);

Written statement submitted by Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/9);

Written statement submitted by Romani Union, a non-governmental organization on the Roster (E/CN.4/1991/NGO/25).

625. At the 50th meeting, on 4 March 1991, Mrs. Zagorka Ilic, Chairwoman-Rapporteur of the Working Group on the rights of persons belonging to national, ethnic, religious and linguistic minorities, introduced the report of the Working Group (E/CN.4/1991/53) to the Commission.

626. At the same meeting, in the general debate on item 20, statements were made by the following members of the Commission: Austria, China, Philippines, United States of America.

627. Also at the same meeting, the Commission heard a statement made by the observer for Poland.

628. At its 51st meeting, on 5 March 1991, the Commission heard statements by the following non-governmental organizations: International Educational Development Inc., International Organization for the Development of Freedom of Education, Minority Rights Group, World Association for World Federation, World Union for Progressive Judaism.

629. At the same meeting, a statement in exercise of the right of reply was made by the representative of Yugoslavia.

630. At its 53rd meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 20.

631. The representative of Yugoslavia introduced draft resolution E/CN.4/1991/L.59, sponsored by Austria, Hungary, the Philippines, Sweden, the Ukrainian Soviet Socialist Republic and Yugoslavia. The United Kingdom of Great Britain and Northern Ireland*, subsequently joined the sponsors.

632. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.59 in a statement by the Secretary of the Commission.

633. The representative of Yugoslavia made a statement in connection with the draft resolution.

634. The draft resolution was adopted without a vote.

635. For the text as adopted, see chapter II, section A, resolution 1991/61.

636. At the same meeting, the Commission considered draft resolution III, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1991/2, chap. I, sect. A, draft resolution III).

637. The draft resolution was adopted without a vote.

638. For the text as adopted, see chapter II, section A, resolution 1991/62.

XXI. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

639. The Commission considered agenda item 21 at its 46th meeting, on 28 February, at its 48th to 50th meetings, on 1 and 4 March, and at its 52nd to 54th meetings, on 5 and 6 March 1991 2/.

640. The Commission had before it the following documents:

Report by the independent Expert, Mr. C. Tomuschat, on the situation of human rights in Guatemala, prepared in accordance with paragraph 14 of Commission resolution 1990/80 (E/CN.4/1991/5 and Add.1);

Report on Equatorial Guinea prepared by the Expert, Mr. Fernando Volio Jiménez, in accordance with resolution 1990/57, paragraph 9, of the Commission on Human Rights (E/CN.4/1991/54 and Add.1 and 2);

Report of the Secretary-General (E/CN.4/1991/55);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/14);

Written statement submitted by the International Institute of Humanitarian Law, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/42).

641. At the 46th meeting, Mr. C. Tomuschat, Expert appointed by the Secretary-General on the situation of human rights in Guatemala, introduced his report (E/CN.4/1991/5 and Add.1) to the Commission.

642. At the 49th meeting, on 4 March 1991, Mr. F. Volio Jiménez, the Expert on the situation in Equatorial Guinea, introduced his report (E/CN.4/1991/54 and Add.1 and 2) to the Commission.

643. In the general debate on item 21, statements 3/ were made by the following members of the Commission: Australia (48th), Austria (48th), Bangladesh (48th), Belgium (49th), Canada (48th), Germany (48th), Italy (48th), Peru (48th), Philippines (48th), Union of Soviet Socialist Republics (48th).

644. The Commission heard statements by the observers for: Bulgaria (49th), Denmark (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (48th), Egypt (49th), Guatemala (49th), Ireland (49th), Netherlands (48th).

645. The observer for Switzerland made a statement (49th).

646. The Commission heard a statement by the Chairman of the African Commission on Human and Peoples' Rights, Mr. U. Oji Umozurike (48th).

647. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (50th), Andean Commission of Jurists (50th), International Educational Development Inc. (50th), International Federation of Human Rights (49th), International Indian Treaty Council (50th), International League for the Rights and Liberation of Peoples (49th), International Movement for Fraternal Union among Races and Peoples (49th), International Union of Students (50th), Latin American Federation of Associations of Relatives of Disappeared Detainees (49th), Minority Rights Group (49th), Romani Union (50th), World Association for the School as an Instrument of Peace (49th), World University Service (49th).

648. A statement equivalent to the right of reply was made by the observer for Guatemala (50th).

649. At the 52nd meeting, on 5 March 1991, the representative of Germany introduced draft resolution E/CN.4/1991/L.64, sponsored by Austria, Belgium, Canada, Costa Rica*, Cyprus, Czechoslovakia, Denmark*, El Salvador*, Finland*, France, Germany, Hungary, Ireland*, Italy, Japan, the Netherlands*, New Zealand*, Norway*, Peru, Sweden, Switzerland* and the United Kingdom of Great Britain and Northern Ireland*.

650. The draft resolution was adopted without a vote.

651. For the text as adopted, see chapter II, section A, resolution 1991/49.

652. At the same meeting, the representative of Germany introduced draft resolution E/CN.4/1991/L.65, sponsored by Austria, Belgium, Bulgaria*, Canada, Costa Rica*, Cyprus, Czechoslovakia, Denmark*, El Salvador*, Finland*, France, Germany, Greece*, Hungary, Ireland*, Italy, Japan, the Netherlands*, New Zealand*, Norway*, Panama, Peru, Sweden, Switzerland* and the Union of Soviet Socialist Republics. The Philippines and Senegal subsequently joined the sponsors.

653. A statement in explanation of vote before the vote was made by the representative of Ethiopia.

654. The draft resolution was adopted without a vote.

655. For the text as adopted, see chapter II, section A, resolution 1991/50.

656. At the same meeting, the representative of Peru introduced draft resolution E/CN.4/1991/L.82 sponsored by Argentina, Bolivia*, Canada, Colombia, Costa Rica* and Peru, which read as follows:

"The Commission on Human Rights

Recalling its resolution 1990/57 of 7 March 1990, _Bearing in mind_ that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the Plan of Action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on the recommendations submitted by Mr. Fernando Volio Jimènez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI),

Noting with satisfaction that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights,

Taking into account that the Government of Equatorial Guinea has an obligation to submit periodic reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and that its initial reports are overdue,

Mindful of the fact that, for an appropriate and valid reform of the present political Constitution to be carried out, it is not only necessary to make technical changes but also essential to secure the active participation of all political tendencies, including the opposition parties in exile,

Also taking into account that the Equatorial Guinea nationals in exile who wish to return to, and be reintegrated into, the country include many qualified persons who could fill the existing gap with maximum promptness, and that the lack of trained personnel has been highlighted by the Expert, who has also recommended that the Government of Equatorial Guinea should grant a broad amnesty to all opponents of the régime who are in exile,

Considering that articles 20 and 21 of the Universal Declaration of Human Rights, article 8 of the International Covenant on Economic, Social and Cultural Rights, and article 22 of the International Covenant on Civil and Political Rights stipulate that everyone has the right to freedom of peaceful assembly and association,

1. _Commends_ the Expert for his report on the human rights situation in Equatorial Guinea (E/CN.4/1991/54 and Add.1);

2. _Thanks_ the Spanish Government which, in co-operation with the Centre for Human Rights, has extended assistance to the Government of Equatorial Guinea in the field of human rights;

3. Urges the Government of Equatorial Guinea, in accordance with the recommendation of the expert, to establish as soon as possible the Commission to monitor implementation of the Plan of Action proposed by the United Nations and accepted by that Government, and to adopt other measures suggested for the purpose of promoting and protecting human rights, informing the Commission on Human Rights of such measures;

4. Recommends that the Government of Equatorial Guinea avail itself of the advisory services in the field of human rights to prepare the initial reports on the human rights situation in the country, in accordance with the recommendation of the Committee on Economic, Social and Cultural Rights at its third session (E/1989/22, para. 344 (b)), in order to fulfil its obligations as a party to the International Covenants on Human Rights;

5. Urges the Government of Equatorial Guinea to draw up a General Associations Act to facilitate implementation of the human rights recognized in the International Covenants on Human Rights ratified by that Government;

6. Encourages the Government of Equatorial Guinea to endeavour to facilitate the repatriation of all refugees and exiles, inter alia by adopting measures permitting the full participation of all citizens in the country's political, economic, social and cultural affairs, thus helping to resolve the shortage of specialized personnel, as indicated in the report of the Expert;

7. Requests the Secretary-General to continue to provide such advisory services and other forms of appropriate assistance in the field of human rights as may be requested by the Government of Equatorial Guinea, especially for the purpose of codifying the basic civil and criminal laws and preparing the initial reports which Equatorial Guinea, as a party to the International Covenants on Human Rights, is required to submit to the committees established by those treaties;

8. Also requests the Secretary-General to extend the mandate of the Expert responsible for co-operating with the Government of Equatorial Guinea in the full implementation of the Plan of Action proposed by the United Nations and accepted by that Government;

9. Further requests the Expert to report to the Commission on Human Rights at its forty-eighth session."

657. In introducing the draft resolution, the representative of Peru orally revised it.

658. The representative of India requested that the revision be in written form.

659. Consideration of the draft resolution as orally revised was postponed.

660. At the 54th meeting, on 6 March 1991, the Commission considered a revised draft resolution (E/CN.4/1991/L.82/Rev.1) sponsored by Argentina, Bolivia*, Canada, Colombia, Costa Rica*, Peru and Venezuela. Panama subsequently joined the sponsors.

661. The revised draft resolution was adopted without a vote.

662. For the text as adopted, see chapter II, section A, resolution 1991/80.

663. At the 53rd meeting, held on 6 March 1991, the representative of Venezuela introduced draft resolution E/CN.4/1991/L.83, sponsored by Argentina, Belgium, Brazil, Colombia, Luxembourg*, Mexico, the Netherlands*, Peru, Spain* and Venezuela. Bolivia* and Uruguay* subsequently joined the sponsors.

664. An estimate of the administrative and programme budget implications of draft resolution E/CN.4/1991/L.83 is contained in annex III to the present report.

665. The draft resolution was adopted without a vote.

666. After the adoption of the resolution, statements in explanation of their delegations' position were made by the representatives of Canada and France.

667. For the text as adopted, see chapter II, section A, resolution 1991/51.

XXII. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

668. The Commission considered agenda item 22 at its 46th and 48th meetings, on 28 February and 1 March, and at its 52nd meeting, on 5 March 1991. 2/

669. The Commission had before it the following documents:

Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission resolution 1986/20 (E/CN.4/1991/56);

Letter dated 4 March 1991 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1991/85);

Written statement submitted by Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/3);

Written statement submitted by the World Union for Progressive Judaism, a non-governmental organization on the Roster (E/CN.4/1991/NGO/49).

670. At the 46th meeting, on 28 February 1991, the Special Rapporteur, Mr. A. Vidal d'Almeida Ribeiro, introduced his report (E/CN.4/1991/56) to the Commission.

671. Also at the 46th meeting, in the general debate on item 22, statements were made by the following members of the Commission: Austria, China, India, Italy, Morocco, Peru, Portugal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America.

672. At the same meeting, the Commission heard statements by the observers for Ireland and the Syrian Arab Republic.

673. Also at the same meeting, the observer for the Holy See made a statement.

674. The Commission also heard statements 3/ by the following non-governmental organizations: American Association of Jurists (46th), Christian Democratic International (46th), Four Directions Council (46th), International Association for the Defence of Religious Liberty (46th), International Council of Jewish Women (46th), International Indian Treaty Council (48th), International League for Human Rights (46th), International Organization for the Development of Freedom of Education (46th), International Organization for the Elimination of All Forms of Racial Discrimination (46th), International Progress Organization (46th), Pax Romana (46th), World Federation of Trade Unions (46th), World Union for Progressive Judaism (48th).

675. The Commission also heard a joint statement by the World Jewish Congress (46th) on behalf of the Co-ordinating Board of Jewish Organizations and the World Jewish Congress.

676. Statements in exercise of the right of reply or its equivalent were made by the representatives of Cuba (46th), Czechoslovakia (46th) and Mauritania (46th) and by the observers for the Libyan Arab Jamahiriya (46th), Poland (48th) and the Syrian Arab Republic (48th).

677. At its 52nd meeting, the Commission took up consideration of draft resolution E/CN.4/1991/L.75, submitted under agenda item 22.

678. The observer for Ireland introduced draft resolution E/CN.4/1991/L.75, sponsored by Argentina, Austria, Belgium, the Byelorussian Soviet Socialist Republic*, Canada, Finland*, France, Germany, Hungary, Ireland*, Italy, Japan, Luxembourg*, the Netherlands*, New Zealand*, Peru, the Philippines, Poland*, Portugal, Senegal, Sweden, Switzerland*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland* and the United States of America. Czechoslovakia subsequently joined the sponsors.

679. The draft resolution was adopted without a vote.

680. For the text as adopted, see chapter II, section A, resolution 1991/48.

XXIII. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

681. The Commission considered agenda item 23 at its 51st to 53rd meetings, on 5 and 6 March 1991. 2/

682. The Commission had before it the following documents:

> Report of the open-ended working group on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1991/57);
>
> Written statement submitted by the American Association of Jurists, Caritas Internationalis, Centre Europe - Tiers Monde, Disabled People's International, Four Directions Council, Human Rights Advocates, the International Abolitionist Federation, the International Association against Torture, the International Association for the Defence of Relgious Liberty, the International Association of Democratic Lawyers, the International Association of Educators for World Peace, the International Association of Penal Law, the International Commission of Jurists, International Education Development, Inc., the International Falcon Movement, the International Federation of Free Journalists, the International Fellowship of Reconciliation, the International Human Rights Internship Program, the International Indian Treaty Council, the International Institute of Higher Studies in Criminal Sciences, the International Juridical Organization for Environment and Development, the International League for the Rights and Liberation of Peoples, the International Movement for Fraternal Union among Races and Peoples, the International Organization for the Elimination of All Forms of Racial Discrimination, the International Union of Lawyers, the International Union of Students, the Latin American Federation of Associations of Relatives of Disappeared Detainees, Liberation, Pax Christi, Pax Romana, the Union of Arab Jurists, the World Confederation of Labour, the World Federation of Trade Unions, the World University Service (E/CN.4/1991/NGO/43).

683. At the 51st meeting, on 5 March 1991, the Chairman-Rapporteur of the working group, Mr. Ronald A. Walker, introduced the report of the working group (E/CN.4/1991/57) to the Commission.

684. At the same meeting, in the general debate on item 23, statements were made by the following members of the Commission: Cuba, United States of America.

685. Also at the same meeting, the Commission heard a statement by the observer for the Syrian Arab Republic.

686. The Commission also heard statements 3/ by the following non-governmental organizations: International Association of Educators for World Peace (51st), International Falcon Movement (52nd), International Federation of Human Rights (51st), International Fellowship of Reconciliation (51st), International Movement for Fraternal Union among Races and Peoples (51st).

687. At its 53rd meeting, on 6 March 1991, the Commission took up consideration of draft resolution E/CN.4/1991/L.86, submitted under agenda item 23.

688. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1991/L.86, sponsored by Australia, Austria, Bulgaria*, Canada, Colombia, Denmark*, Finland*, France, Germany, Hungary, Norway*, the Philippines, Portugal, Spain*, Sweden, the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland*, the United States of America and the Union of Soviet Socialist Republics. Czechoslovakia subsequently joined the sponsors.

689. An estimate of the administrative and programme budget implications of draft resolution E/CN.4/1991/L.86 is contained in annex III to the present report.

690. The representatives of China and Cuba made statements relating to the draft resolution.

691. The draft resolution was adopted without a vote.

692. For the text as adopted, see chapter II, section A, resolution 1991/63.

XXIV. RIGHTS OF THE CHILD, INCLUDING: (a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD; (b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN; (c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR; (d) DRAFT PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

693. The Commission considered agenda item 24 at its 44th and 45th meetings, on 27 and 28 February, and at its 53rd meeting, on 6 March 1991. 2/

694. The Commission had before it the following documents:

Analytical summary of comments received by the Secretary-General on the draft programme of action for prevention of the sale of children, child prostitution and child pornography (E/CN.4/1991/50 and Add.1);

Report submitted by Mr. Vitit Muntarbhorn, Special Rapporteur appointed in accordance with Commission resolution 1990/68 (E/CN.4/1991/51);

Report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1991/58);

Note by the Secretary-General transmitting the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (E/CN.4/1991/59);

General Assembly resolution 45/104 of 14 December 1990;

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/23);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/32);

Written statement submitted by Defence for Children International Movement, a non-governmental organization on the Roster (E/CN.4/1991/NGO/35);

Written statement submitted by the World Association for the School as an Instrument of Peace, a non-governmental organization on the Roster (E/CN.4/1991/NGO/38).

695. In the general debate on item 24, statements 3/ were made by the following members of the Commission: Argentina (45th), Australia (44th), Austria (44th), Bangladesh (44th), Brazil (45th), Canada (44th), Colombia (45th), Iraq (45th), Peru (45th), Philippines (45th), Portugal (44th), Sweden (45th), Union of Soviet Socialist Republics (44th), Venezuela (45th), Yugoslavia (45th).

696. The Commission heard a statement by the observer for Switzerland (45th).

697. The Commission also heard statements by the following non-governmental organizations: International Abolitionist Federation (44th), International Association of Democratic Lawyers (45th), International Save the Children Alliance (44th), Latin American Federation of Associations of Relatives of Disappeared Detainees (45th), Movement Against Racism and for Friendship among Peoples (45th).

698. The Commission also heard joint statements by the following non-governmental organizations: Baha'i International Community (45th) on behalf of: International Council of Jewish Women, International Fellowship of Reconciliation, International League for Human Rights, International Movement ATD Fourth World, International Movement for Fraternal Union among Races and Peoples, La Leche League International, Inc., World Association for World Federation, World Federation of Methodist Women, World Federation of Trade Unions, Zonta International; Defence for Children International Movement (44th) on behalf of: International Association of Penal Law, International Commission of Jurists, International Federation of Human Rights, International Federation of Social Workers, International Institute of Higher Studies in Criminal Sciences, International Movement ATD Fourth World, World Federation of Methodist Women, World Union of Catholic Women's Organizations; International Catholic Child Bureau (44th) on behalf of: Caritas Internationalis, International Alliance of Women - Equal Rights, Equal Responsibilities, International Federation of Social Workers, International Federation Terre des Hommes, International Movement ATD Fourth World, La Leche League International, Inc., Pax Romana, World Federation of Methodist Women, World Union of Catholic Women's Organizations (WUCWO).

699. At the 45th meeting, on 28 February 1991, Mr. Vitit Muntarbhorn, Special Rapporteur on the sale of children, introduced his report (E/CN.4/1991/51) to the Commission.

700. At its 53rd meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 24.

701. At the same meeting, the representative of Sweden introduced draft resolution E/CN.4/1991/L.73, sponsored by Algeria*, Angola*, Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark*, Finland*, Germany, Ghana, Hungary, Ireland*, Liechtenstein*, Norway*, the Philippines, Poland*, Portugal, Romania*, Swaziland, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland* and Yugoslavia. Czechoslovakia, France, the Gambia, Iceland*, Indonesia, Luxembourg*, Mexico, Morocco, Senegal and Venezuela subsequently joined the sponsors.

702. The draft resolution was adopted without a vote.

703. After the adoption of the resolution. a statement in explanation of his delegation's position was made by the representative of Senegal.

704. For the text as adopted, see chapter II, section A, resolution 1991/52.

705. On 28 February 1991, Angola*, Australia, Austria, Belgium, Canada, Colombia, Denmark*, Finland*, Ghana, Ireland*, Liechtenstein*, Norway*, the Philippines, Poland*, Portugal, Romania*, Swaziland, Sweden, the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland* and the Union of Soviet Socialist Republics submitted a draft resolution (E/CN.4/1991/L.74) which read as follows:

> "_The Commission on Human Rights_,
>
> _Recalling_ its resolution 1990/68 of 7 March 1990, by which the Commission decided to appoint a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography,
>
> _Recalling_ the decision of the Economic and Social Council 1990/240 of 25 May 1990, by which it extended the mandate of the Special Rapporteur to two years,
>
> _Welcoming_ the appointment of Mr. Vitit Muntarbhorn as Special Rapporteur,
>
> _Having considered_ the report submitted by the Special Rapporteur to the Commission on Human Rights (E/CN.4/1991/51),
>
> _Recalling_ the transnational aspects of the sale of children, child prostitution and child pornography,
>
> _Recognizing_ the need to build a network of contacts at both the national and international levels in the governmental and non-governmental spheres,
>
> 1. _Welcomes_ the report (E/CN.4/1991/51) submitted by the Special Rapporteur to the Commission on Human Rights;
>
> 2. _Encourages_ the Special Rapporteur to continue to carry out his work in the light of the conclusions and recommendations contained in his report;
>
> 3. _Requests_ the Special Rapporteur to report on his activities to the Commission on Human Rights at its forty-eighth session;
>
> 4. _Decides_ to consider the report by the Special Rapporteur under the agenda item entitled 'Rights of the child'."

706. At the 53rd meeting, the representative of Portugal introduced a revised draft resolution (E/CN.4/1991/L.74/Rev.1), sponsored by the same member and observer States as draft resolution E/CN.4/1991/L.74.

707. The attention of the Commission was drawn to additional revisions as follows:

(a) The original title "Report of the Special Rapporteur on the sale of children" was replaced by a new title;

(b) The word "Recalling" in the penultimate preambular paragraph was replaced by "Recognizing";

(c) The word ", including" was inserted between "levels" and "the governmental" in the last preambular paragraph.

708. The representative of Bangladesh proposed an amendment by deleting the word "in" after "including" in the last preambular paragraph of the draft resolution.

709. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.74/Rev.1 in a statement by the Secretary of the Commission.

710. The revised draft resolution, as amended, was adopted without a vote.

711. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of India, the United States of America and Venezuela.

712. For the text as adopted, see chapter II, section A, resolution 1991/53.

713. At the same meeting, the representative of Colombia introduced draft resolution E/CN.4/1991/L.78, sponsored by Bangladesh, Bolivia*, Chile*, Colombia, Costa Rica*, Cuba, Ecuador*, Germany, Mexico, Nicaragua*, Panama, Peru, the Philippines, Portugal, Sweden and Venezuela.

714. In introducing the draft resolution, the representative of Colombia orally revised it by inserting the title "Sale of children, child prostitution, child pornography and the exploitation of child labour".

715. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1991/L.78 in a statement by the Secretary of the Commission.

716. The draft resolution, as orally revised, was adopted without a vote.

717. After the adoption of the resolution, statements in explanation of their delegation's position were made by the representatives of India and the United States of America.

718. For the text as adopted, see chapter II, section A, resolution 1991/54.

719. At the same meeting, the Commission considered draft resolution VII recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1991/2, chap. I, sect. A).

720. The representatives of Colombia and India made statements on the draft resolution.

721. The draft resolution was adopted without a vote.

722. For the text as adopted, see chapter II, section A, resolution 1991/55.

XXV. THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

723. The Commission considered agenda item 25 at its 52nd and 53rd meetings, on 5 and 6 March 1991. 2/

724. The Commission had before it the following documents:

Report of the Secretary-General prepared in accordance with Commission resolution 1989/59 (E/CN.4/1991/64);

Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster (E/CN.4/1991/NGO/26);

Written statement submitted by Friends World Committee for Consultation, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/47);

Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/48);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1991/NGO/50).

725. In the general debate on item 25, a statement 3/ was made by the observer for the Byelorussian Soviet Socialist Republic (52nd).

726. The Commission also heard a statement by the following non-governmental organization: Latin American Federation of Associations of Relatives of Disappeared Detainees (52nd).

727. At the 53rd meeting, on 6 March 1991, the Commission took up consideration of the draft resolutions submitted under agenda item 25.

728. At the same meeting, the observer for the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1991/L.56, sponsored by Bulgaria*, the Byelorussian Soviet Socialist Republic*, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

729. The draft resolution was adopted without a vote.

730. After the adoption of the resolution, a statement in explanation of his delegation's position was made by the representative of the United States of America.

731. For the text as adopted, see chapter II, section A, resolution 1991/64.

732. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/1991/L.66, sponsored by Austria, Canada, Costa Rica*, France, Germany, Hungary, the Netherlands*, Portugal, Spain*, Sweden and the United Kingdom of Great Britain and Northern Ireland*.

733. The draft resolution was adopted without a vote.

734. After the adoption of the resolution, explanations of their delegation's position were made by the representatives of Cuba and Iraq.

735. For the text as adopted, see chapter II, section A, resolution 1991/65.

XXVI. DRAFT PROVISIONAL AGENDA FOR THE FORTY-EIGHTH SESSION OF THE COMMISSION

736. The Commission considered agenda item 26 at its 56th meeting, on 8 March 1991. 2/

737. In accordance with paragraph 3 of the Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1991/L.1) containing a draft provisional agenda for the forty-eighth session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their consideration.

738. The Commission took note of the draft provisional agenda, as modified by decisions taken at the forty-seventh session.

739. The draft provisional agenda for the forty-eighth session of the Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

   Legislative authority: relevant resolutions and decisions of the General Assembly, Economic and Social Council and the Commission.

   Documentation:

   Report of the independent Expert on Guatemala (paras. 11 and 12 of resolution 1991/51), to be considered under an item of the agenda to be determined in the light of the above-mentioned report and of the situation of human rights and fundamental freedoms in Guatemala.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

   Legislative authority: Commission resolutions 1991/1 A and B and 1991/2.

   Documentation:

   (a) Reports of the Secretary-General (para. 5 of resolution 1991/1 A, para. 5 of resolution 1991/1 B and para. 6 of resolution 1991/2);

   (b) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the population of the Palestinian and other occupied Arab territories is living (para. 6 of resolution 1991/1 A).

5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.

Legislative authority: Commission resolutions 1991/8 and 1991/21.

Documentation:

(a) Report of the *Ad Hoc* Working Group of Experts (para. 6 of resolution 1991/8);

(b) Interim report of the *Ad Hoc* Working Group of Experts (para. 22 of resolution 1991/21).

6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime in South Africa.

Legislative authority: Commission resolutions 1991/9 and 1991/17.

Documentation:

Updated report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (para. 3 (a) of draft resolution I recommended to the Economic and Social Council for adoption (resolution 1991/9)).

7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development.

Legislative authority: Commission resolutions 1991/13, 1991/18 and 1991/19.

Documentation:

(a) Report of the Special Rapporteur (para. 2 of resolution 1991/13);

(b) Preliminary report of the independent Expert (para. 3 of resolution 1991/19).

8. Question of the realization of the right to development.

Legislative authority: Commission resolution 1991/15.

Documentation:

Report of the Secretary-General (para. 2).

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Legislative authority: Commission resolutions 1991/4, 1991/5, 1991/6, 1991/7 and decision 1991/104.

Documentation:

(a) Report of the Secretary-General transmitting information pertaining to the implementation of resolution 1991/6 (paras. 9 and 10);

(b) Report of the Special Rapporteur on mercenaries (para. 5 of resolution 1991/7).

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Legislative authority: Commission resolutions 1991/32, 1991/33, 1991/34, 1991/35, 1991/36, 1991/37, 1991/38, 1991/39, 1991/40, 1991/41, 1991/42 and 1991/43 and decisions 1991/107 and 1991/108.

Documentation:

(a) Report of the Secretary-General on the measures taken in order to ensure the prescribed protection for officials of the United Nations Secretariat (para. 2 of resolution 1991/33);

(b) Report of the Sub-Commission on the implementation of resolution 1991/34 (para. 10);

(c) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (para. 7 of resolution 1991/35);

(d) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (para. 6 of resolution 1991/36);

(e) Updated report of the Secretary-General on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, and on the implementation of resolution 1991/37 (para. 7);

(f) Report of the Special Rapporteur appointed to examine questions relevant to torture (para. 20 of resolution 1991/38);

(g) Report of the Working Group on Enforced or Involuntary Disappearances (para. 3 of resolution 1991/41);

(h) Draft declaration on the protection of all persons from enforced or involuntary disappearance (para. 1 of draft resolution II recommended to the Economic and Social Council for adoption (resolution 1991/41));

(i) Comprehensive report of the working group on arbitrary detentions (para. 5 of resolution 1991/42);

(j) Report of the two Special Rapporteurs on the right to a fair trial (para. 4 of resolution 1991/43);

(k) Annual report of the Special Rapporteur on human rights and states of emergency (draft decision 30 recommended to the Economic and Social Council for adoption (decision 1991/108)).

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights.

Legislative authority: Commission resolutions 1991/22, 1991/23, 1991/24, 1991/25, 1991/26, 1991/27, 1991/28, 1991/29, 1991/30, 1991/31 and 1991/79.

Documentation:

(a) Report of the Secretary-General (para. 3 of resolution 1991/22);

(b) Report of the Secretary-General on public information activities (para. 14 of resolution 1991/24);

(c) Analytical report of the Secretary-General on internally displaced persons (para. 4 of resolution 1991/25);

(d) Report of the Secretary-General on the progress achieved in the implementation of resolution 1991/28 (para. 10).

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Situations of human rights in occupied Kuwait;

(c) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-seventh session.

Legislative authority: Commission resolutions 1991/66, 1991/67, 1991/68, 1991/69, 1991/70, 1991/71, 1991/72, 1991/73, 1991/74, 1991/75, 1991/76, 1991/78, 1991/82 and decision 1991/106.

Documentation:

(a) Report of the Secretary-General on the situation of human rights in southern Lebanon (para. 5 (b) of resolution 1991/66);

(b) Report of the Special Rapporteur appointed to examine the human rights violations committed in occupied Kuwait (para. 9 of resolution 1991/67);

(c) Report of the Special Representative appointed to maintain contacts with the Government and citizens of Cuba (para. 6 of resolution 1991/68);

(d) Report of the Special Rapporteur on the situation of human rights in Romania (para. 6 of resolution 1991/69);

(e) Report of the Secretary-General (para. 5 of resolution 1991/70);

(f) Report of the Special Rapporteur on summary or arbitrary executions (para. 4 of resolution 1991/71);

(g) Report of the Special Rapporteur on the situation of human rights in Iraq (para. 5 of resolution 1991/74);

(h) Report of the Special Representative on the situation of human rights in El Salvador (para. 13 of resolution 1991/75);

(i) Report of the Secretary-General on the situation of human rights in Albania (para. 4 (b) of resolution 1991/76);

(j) Report of the Special Rapporteur on the situation of human rights in Afghanistan (para. 14 of resolution 1991/78);

(k) Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (para. 8 of resolution 1991/82);

(l) Report of the Secretary-General on the question of human rights in Cyprus (decision 1991/106).

13. _Measures to improve the situation and ensure the human rights and dignity of all migrant workers_.

Legislative authority: Commission resolution 1991/60.

Documentation:

Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (para. 4).

14. _Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination_.

Legislative authority: Commission resolution 1991/11.

Documentation:

(a) Report of the Secretary-General (para. 7);

(b) Report of the Secretary-General (para. 8).

15. Status of the International Covenants on Human Rights.

Legislative authority: Commission resolution 1991/16.

Documentation:

Report of the Secretary-General (para. 14).

16. Effective functioning of bodies established pursuant to United Nations human rights instruments.

Legislative authority: Commission resolution 1991/20.

Documentation:

Report of the Secretary-General on the comments of the treaty bodies (para. 3).

17. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-third session.

Legislative authority: Commission resolutions 1991/56, 1991/57, 1991/58, 1991/59 and 1991/81.

Documentation:

Report of the Chairman of the Sub-Commission (para. 20 of resolution 1991/56).

18. Rights of persons belonging to national, ethnic, religious and linguistic minorities.

Legislative authority: Commission resolution 1991/61.

Documentation:

Report of the Working Group (para. 4).

19. Advisory services in the field of human rights.

Legislative authority: Commission resolutions 1991/49, 1991/50, 1991/51, 1991/77 and 1991/80.

Documentation:

(a) Report of the Secretary-General on advisory services and technical cooperation in the field of human rights, including the operation and administration of the Voluntary Fund (para. 14 of resolution 1991/49);

(b) Report of the Secretary-General on the progress in the implementation of the programme of advisory services (para. 16 of resolution 1991/50);

(c) Report of the independent Expert on the situation of human rights in Haiti (para. 12 of resolution 1991/77);

(d) Report of the Expert on Equatorial Guinea (para. 9 of resolution 1991/80).

20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Legislative authority: Commission resolution 1991/48.

Documentation:

(a) Report of the Special Rapporteur (para. 14);

(b) Report of the Secretary-General on measures to implement resolution 1991/48 (para. 15).

21. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

Legislative authority: Commission resolution 1991/63.

Documentation:

Reports of previous sessions of the working group (para. 1).

22. Rights of the Child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children;

(c) Programme of action for the elimination of the exploitation of child labour;

(d) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography.

Legislative authority: Commission resolutions 1991/52, 1991/53, 1991/54 and 1991/55.

Documentation:

(a) Report of the Secretary-General on the status of the Convention on the Rights of the Child (para. 10 of resolution 1991/52);

(b) Report of the Special Rapporteur on the sale of children (para. 3 of resolution 1991/53);

(c) Report of the Secretary-General containing an analytical summary of replies concerning the draft programme of action (para. 13 of resolution 1991/54).

23. Election of Members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Legislative authority: Economic and Social Council resolutions 1334 (XLIV) and 1986/35 and decisions 1978/21 and 1987/102.

Documentation:

Note by the Secretary-General containing nominations of candidates for election to membership of the Sub-Commission.

24. World Conference on Human Rights.

Legislative authority: Commission resolution 1991/30.

Documentation:

Report of the Secretary-General on progress in the preparations for the World Conference on Human Rights (para. 16).

25. Draft provisional agenda for the forty-ninth session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII) and Commission decision 1991/109.

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the forty-ninth session of the Commission, together with information concerning documentation relating thereto;

Working document of the Secretary-General containing a draft provisional agenda for the forty-ninth session (decision 1991/109).

26. Report to the Economic and Social Council on the forty-eighth session of the Commission.

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXVII. ADOPTION OF THE REPORT

740. At its 56th meeting, on 8 March 1991, the Commission considered the draft report on the work of its forty-seventh session. The draft report, as amended in the course of the discussion, was adopted.

Notes

1/ An estimate of the administrative and programme budget implications of Commission resolutions and decisions appears in annex III.

2/ Summary records of each of the meetings are subject to correction. They are considered as final with the issuance of a consolidated corrigendum (E/CN.4/1991/SR.1-56/Corrigendum).

3/ The number in parentheses following the names of States or organizations indicates the meeting at which the statement was made.

كيفية الحصول على منشورات الأمم المتحدة

يمكن الحصول على منشورات الأمم المتحدة من المكتبات ودور التوزيع في جميع أنحاء العالم . استعلم عنها من المكتبة التي تتعامل معها أو اكتب إلى : الأمم المتحدة ، قسم البيع في نيويورك أو في جنيف .

如何购取联合国出版物

联合国出版物在全世界各地的书店和经售处均有发售。请向书店询问或写信到纽约或日内瓦的联合国销售组。

HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre libraire ou adressez-vous à : Nations Unies, Section des ventes, New York ou Genève.

КАК ПОЛУЧИТЬ ИЗДАНИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ

Издания Организации Объединенных Наций можно купить в книжных магазинах и агентствах во всех районах мира. Наводите справки об изданиях в вашем книжном магазине или пишите по адресу: Организация Объединенных Наций, Секция по продаже изданий, Нью-Йорк или Женева.

COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a: Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.

Litho in United Nations, New York 04200 12407–May 1991–3,825
ISSN 0251-9623